

## TITLE 14

### ZONING AND LAND USE CONTROL<sup>1</sup>

#### CHAPTER

1. MUNICIPAL REGIONAL PLANNING COMMISSION.
2. GENERAL PROVISIONS RELATING TO ZONING.
3. PROVISIONS GOVERNING RESIDENTIAL DISTRICTS.
4. PROVISIONS GOVERNING BUSINESS DISTRICTS.
5. PROVISIONS GOVERNING INDUSTRIAL DISTRICTS.
6. PROVISIONS GOVERNING AIRPORT HEIGHT REGULATIONS AND AIRPORT CLEAR ZONE (ACZ) OVERLAY DISTRICT.
7. PROVISIONS GOVERNING FLOOD HAZARD DISTRICTS.
8. EXCEPTIONS AND MODIFICATIONS.
9. ENFORCEMENT.
10. BOARD OF ZONING APPEALS.
11. AMENDMENT.
12. LEGAL STATUS PROVISIONS.

#### CHAPTER 1

### MUNICIPAL REGIONAL PLANNING COMMISSION

#### SECTION

- 14-101. Authority.
- 14-102. Creation and membership.
- 14-103. Organization, powers, duties, etc.

**14-101. Authority.** An ordinance to the authority granted by Tennessee Code Annotated, §§ 13-7-201 through 13-7-210, authorizing the City of Humboldt, Tennessee to establish districts or zones within its corporate limits; to regulate, within such district, the location height, bulk, number of stories and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population and the uses of land, buildings, and structures, to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof. (1980 Code, § 11-101, as replaced by Ord. #2010-01, Jan. 2010)

---

<sup>1</sup>Municipal code reference

Beer licensing; zoning restrictions: § 8-203.

**14-102. Creation and membership.** Pursuant to the provisions of Tennessee Code Annotated, §§ 13-4-101 and 13-3-102, there is hereby created a municipal-regional planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor or his/her designee and another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3), years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the un-expired term by the mayor, who shall have the authority to remove any appointive members at his pleasure. (1980 Code, § 11-102, as replaced by Ord. #2010-01, Jan. 2010)

**14-103. Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (as added by Ord. #2010-01, Jan. 2010)

## CHAPTER 2

### GENERAL PROVISIONS RELATING TO ZONING

#### SECTION

- 14-201. Title.
- 14-202. Purpose.
- 14-203. Definitions.
- 14-204. General provisions.
- 14-205. Zoning affects every building and use.
- 14-206. Non-conformities.
- 14-207. Erection of more than one principal structure on a lot.
- 14-208. Reduction in lot area prohibited.
- 14-209. Required yard cannot be used by another building.
- 14-210. Rear yard abutting a public street.
- 14-211. Obstruction to vision at street intersection prohibited.
- 14-212. Off-street parking requirements.
- 14-213. Off-street loading and unloading space.
- 14-214. Access control.
- 14-215. Public street frontage.
- 14-216. Alterations.
- 14-217. Building permits in floodplains.
- 14-218. Classification of districts.
- 14-219. Boundaries of districts.
- 14-220. Sign regulations.
- 14-221. Telecommunication structure requirements.
- 14-222. Site plan review provisions.

**14-201. Title.** Chapters 2 through 12 of this title shall be known and may be cited as the Zoning Ordinance of Humboldt, Tennessee, and the map herein referred to which is identified by the title, "Official Zoning Map, Humboldt, Tennessee" and all explanatory matters thereon are hereby adopted and made a part of chapters 2 through 12 of this title. The official zoning map shall be located in the city hall and shall be identified by the signature of the mayor attested by the secretary of the board of mayor and aldermen. The official zoning map may be amended under the procedures set forth in chapter 9 of this title, provided, however, that no amendment of the official zoning map shall become effective until after such change and entry has been made on said map and signed by the mayor attested by the secretary of the board of mayor and aldermen. (1980 Code, § 11-201, as replaced by Ord. #2010-01, Jan. 2010)

**14-202. Purpose.** The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the

community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions of transportation, water sewerage, schools, parks other public requirements. They have been made with reasonable consideration among other things, as the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (1980 Code, § 11-202, as replaced by Ord. #2010-01, Jan. 2010)

**14-203. Definitions.** Unless otherwise stated the following words shall, for the purpose of chapters 2 through 12 of this title, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory, not directory.

(1) "Animated sign." Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

(2) "Antenna array." Poles, rods, panels, reflecting dishes, or similar devices used for the transmission or reception of radio frequency signals.

(3) "Alley." Any public or private way set aside for public travel twenty feet (20') or less in width.

(4) "Assisted living facility." Residences for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation.

(5) "Banner." Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one (1) or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

(6) "Beacon." Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also any light with one (1) or more beams that rotate or move.

(7) "Billboard." A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

(8) "Building." Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property.

(a) "Principal building." A building in which the primary use of the lot is conducted.

(b) "Accessory building." A detached building or structure subordinate to the principal building or use on the same lot and serving a purpose naturally and normally incidental to the principal building or use, including swimming pools and satellite dishes.

(9) "Building marker." Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

(10) "Building sign." Any sign attached to any part of a building, as contrasted to a freestanding sign.

(11) "Canopy sign." Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door entrance, window or outdoor service area. A marquee is not a canopy.

(12) "Changeable copy sign." A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face of the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this chapter. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable sign for purposes of this chapter.

(13) "Clinic." A facility for the examination and treatment of ill and afflicted human out-patients provided, however, that patients are not kept overnight except under emergency conditions. This includes doctors and dental offices.

(14) "Commercial message." Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

(15) "Day care center." A facility operated by a person, society, agency, corporation, institution, or group that receives pay for the care of thirteen (13) or more children under seventeen (17) years of age for less than twenty-four (24) hours per day, without transfer of custody.

(16) "Day care home, group." A facility operated by a person, social agency, corporation or institution or any other group which receives from eight (8) to twelve (12) children under seventeen (17) years of age less than twenty-four (24) hours per day for care outside their own homes, without transfer of custody.

(17) "Day care home, family." A facility operated by any person who receives pay for providing less than twenty-four (24) hour supervision and care, without transfer of custody, for four (4) to seven (7) children under seventeen (17) years of age who are not related to the operator and whose parents or guardians are not residents of the household. A home providing care for fewer than four (4) children will not be regulated by this title.

(18) "Development." Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

(19) "Dwelling, apartments." A residential building designed for or occupied by five (5) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

(20) "Dwelling, multi-family." A residential building designed for or occupied by not less than three (3) nor more than four (4) families, with the number of families in residence not exceeding the number of dwelling units provided.

(21) "Dwelling, single-family." A detached residential dwelling unit other than a mobile home, designed for and occupied by one (1) family only.

(22) "Dwelling, townhouse." An attached residential dwelling unit designed for occupancy by one (1) family constructed in a row of three (3) to seven (7) such dwelling units, each dwelling unit being separated by the adjoining dwelling units in each story by adjoining fire-resistant walls without openings extending at least for the lowest floor level through the roof, and each dwelling unit having independent access to the exterior in the ground story. For the purpose of this title a townhouse dwelling shall not be considered a single family dwelling, a multi-family dwelling or apartments.

(23) "Dwelling, two-family." A detached residential dwelling unit other than a mobile home, designed for and occupied by two (2) families only.

(24) "Dwelling unit." One (1) room, or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.

(25) "Enforcement officer." The codes enforcement officer/building inspector of the city or his or her designee.

(26) "Family." One (1) or more persons occupying a premises and living as a single, nonprofit housekeeping unit.

(27) "Flag." Any fabric, banner, or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision, or other entity.

(28) "Flood." A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of rivers or streams or the unusual and rapid accumulation of runoff of surface waters from any source.

(29) "Floodway." The stream channel and the portion of the adjacent floodplain which must be reserved solely for the passage of floodwaters in order to prevent an increase in upstream flood heights of more than one foot (1') above predevelopment conditions.

(30) "Floodway fringe area." Lands lying outside a designated floodway but within the area subject to inundation by the 100-year flood.

(31) "Flood-proofing." Any combination of structural or non-structural additions, changes, or adjustments which reduces or eliminates flood damage to real estate, improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.

(32) "Floodplain." A relatively flat or low area adjoining a river or stream which is periodically subject to partial or complete inundation by floodwaters, or a low area subject to the unusual and rapid accumulation of runoff of surface waters from any source. For the purposes of this title, the land subject to inundation by the 100-year flood, i.e. the 100-year floodplain.

(33) "Freestanding sign." Any sign supported by structures of supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

(34) "Incidental sign." A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

(35) "Lot." A piece, parcel, or plot of land in one (1) ownership, which may include one (1) or more lots of record, occupied or to be occupied by buildings and accessory buildings and including the open spaces required under chapters 2 through 9 of this title. All lots shall front on and have access to a street.

(a) "Lot line." A boundary dividing a given lot from a street, an alley, or adjacent lots.

(b) "Lot of records." A lot, the boundaries of which are filed as a legal record.

(36) "Marquee." Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

(37) "Marquee sign." Any sign attached to, in any manner, or made a part of a marquee.

(38) "Mobile home." A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks and other temporary or permanent foundations, connection to utilities, and the like. The character of a mobile home as a non-permanent dwelling shall not be changed in the view of this section by removal of the wheels and/or carriage or placement on a permanent foundation.

A travel trailer is not to be considered as a mobile home.

(a) "Independent mobile homes." A mobile home equipped with interior toilet and bathing facilities and fixtures for connection of such facilities to permanent water supply and sewage collection systems.

(b) "Travel trailer." A trailer or vehicle designed for short term occupancy and built to be transported on its own wheels.

(39) "Mobile home park." Any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

(40) "Nonconforming sign." Any sign that does not conform to the requirements of this title.

(41) "Nonconforming structure." A structure which was lawfully constructed prior to enactment or amendment of the provisions of chapters 2 through 9 of this title that does not conform with the provisions hereof for the district in which it is located.

(42) "Nonconforming use." A use of a building or land lawful at the time of the enactment of the provisions of chapters 2 through 9 of this title that does not conform with the provisions hereof for the district in which it is located.

(43) "One-hundred year flood." A flood which has, on the average, a one percent (1%) chance of being equaled or exceeded in any given year. It is sometimes referred to as the "1-percent chance flood."

(44) "Person." Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

(45) "Portable sign." Any sign not permanently attached to the ground or other permanent structure, or sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

(46) "Projecting sign." Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches (6") beyond the surface of such building or wall.

(47) "Public way." Right-of-way.

(48) "Residential sign." Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.

(49) "Roof sign, integral." Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof by a space of more than six inches (6") or twenty-five feet (25') from the base of the sign.

(50) "Sign." Any outdoor structure or part thereof or device attached thereto or represented thereon, which shall display or include any letter, words, model banner, flag, pennant insignia or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does



not include the flag, pennant or insignia of any nation, state, city or other potential unit.

(51) "Story." That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or any portion of a building used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy other than for a janitor or domestic employee shall not be counted as a story.

(52) "Street." Any public or private way set aside for public twenty-one feet (21') or more in width. The word "street" shall include the words "road," "highway," and "thoroughfare."

(53) "Street frontage." The distance for which a lot line of a lot adjoins a public street, from one (1) lot line intersecting said street to the furthest distant lot line intersecting the same street.

(54) "Substantial improvement." (a) Any repair, reconstruction, or improvement to a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

(i) Before the repair or improvement; or

(ii) Before the damage occurred.

(b) For the purpose of the title, "substantial improvement" is considered to occur when the alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not however, include either:

(i) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or

(ii) An alteration or restoration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(55) "Suspended sign." A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

(56) "Telecommunication tower structure." A wireless transmission facility constructed as a lattice tower structure with or without guy wires, as an alternative tower structure, or as a monopole tower; primarily for the purpose of supporting an antenna array; and support buildings and equipment; excluding equipment under thirty feet (30') in height used for amateur radio communication.

(57) "Temporary sign." Any sign that is used only temporarily and is not permanently mounted.

(58) "Total floor area." The area of all floors of a building including finished attic, finished basements, and covered porches.

(59) "Wall sign." Any sign attached parallel to, but within six inches (6") of a wall, painted on the wall surface, or erected and confined within the limits

of an outside wall or any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

(60) "Window sign." Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

(61) "Yard." A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty inches (30") above the general ground level of the graded lot upward, provided however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

(a) Front yard. A yard extending across the entire width of the lot between the front yard line and the nearest part of the principal building, including covered porches and carports.

(b) Rear yard. The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building including covered porches and carports.

(c) Side yard. A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches and carports. (1980 Code, § 11-203, as amended by Ord. # 83-4, Aug. 1983, replaced by Ord. #2010-01, Jan. 2010, and amended by Ord. #2014-04, June 2014)

**14-204. General provisions.** For the purpose of chapters 2 through 12 of this title, there shall be certain general provisions which shall apply to the city as a whole as follows. (1980 Code, § 11-204, as amended by Ord. #92-8, Oct. 1992, and replaced by Ord. #2010-01, Jan. 2010)

**14-205. Zoning affects every building and use.** No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, whether operated for or without compensation. (1980 Code, § 11-205, as replaced by Ord. #2010-01, Jan. 2010)

**14-206. Non-conformities.** When within the districts established by chapters 2 through 12 of this title or amendments that may later be adopted there exist uses and/or structures which were lawful before the provisions of chapters 2 through 12 of this title were passed or amended, but which would be prohibited, regulated, or restricted under the terms hereof or future amendment, the following shall apply.

(1) Any non-conforming structure may not be:

- (a) Extended except in conformity with chapters 2 through 12 of this title.
- (b) Rebuilt or repaired after damage exceeding seventy-five percent (75%) of replacement value except in conformity with the provisions of chapters 2 through 12 of this title.
- (2) Any non-conforming use of land may not be:
  - (a) Changed to another non-conforming use which would be more detrimental to the district in which it is located as determined by the board of zoning appeals.
  - (b) Extended, except in conformity with chapters 2 through 12 of this title.
- (3) Any non-conforming use or structure may not be:
  - (a) Changed to another non-conforming use which would be more detrimental to the district in which it is located as determined by the board of zoning appeals.
  - (b) Re-established after discontinuance of one (1) year.
- (4) Any structure used for a non-conforming use shall not be rebuilt or repaired after damage exceeding seventy-five percent (75%) of replacement cost unless the use and structure conform to the provisions of chapters 2 through 12 of this title.
- (5) All non-conforming junk yards, commercial animal yards, and lumber yards not on the same lot with a plant, sales building or factory shall be torn down, altered, or otherwise made to conform to the provisions hereof within five (5) years from the adoption of chapters 2 through 12 of this title. (1980 Code, § 11-206, as replaced by Ord. #2010-01, Jan. 2010)

**14-207. Erection of more than one principal structure on a lot.** In any district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of chapters 2 through 12 of this title shall be met for each structure as though it were on an individual lot. (1980 Code, § 11-207, as replaced by Ord. #2010-01, Jan. 2010)

**14-208. Reduction in lot area prohibited.** No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements hereof are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose. (1980 Code, § 11-208, as replaced by Ord. #2010-01, Jan. 2010)

**14-209. Required yard cannot be used by another building.** No part of a yard or other open space required about any building for the purpose of complying with the provisions of these regulations shall be included as a part

of a yard or other open space required under these regulations for another building. (1980 Code, § 11-209, as replaced by Ord. #2010-01, Jan. 2010)

**14-210. Rear yard abutting a public street.** When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, centerline of the street, or property line as required for adjacent properties which front on that street. In addition, any structure located within twenty-five feet (25') of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street. (1980 Code, § 11-210, as replaced by Ord. #2010-01, Jan. 2010)

**14-211. Obstruction to vision at street intersection prohibited.** On a corner lot not in a B-3 (Central Business District), within the area formed by the center lines of the intersecting or intercepting streets and a line joining points on such center lines at a distance of one hundred feet (100') from their intersection, there shall be no obstruction to vision between a height of two and one-half feet (2 1/2') and a height of ten feet (10') above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall. (1980 Code, § 11-211, as replaced by Ord. #2010-01, Jan. 2010)

**14-212. Off-street parking requirements.** (1) General provisions.

(a) In all districts, when any building or structure is constructed or at the time any main building or structure is enlarged or increased in capacity by additional dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use or occupancy to another, permanent off-street parking shall be provided of at least two hundred (200) square feet per space with vehicular access to a street or alley. Spaces shall be marked of a minimum size of ten feet by twenty feet (10'x20') except those spaces located within the B-3 (Central Business) District. Those spaces shall be a minimum of nine feet by eighteen feet (9'x18'). For commercial development when estimating a site's parking capacity it is best to provide four hundred (400) square feet of area per car to allow for access drives and incidental areas such as landscape plots and unusable corners. The city reserves the right to control entrance and exit over private rights-of-way.

(b) A parking space is required for a portion of a unit of measurement one-half (1/2) or more of the amount set forth herein.

(c) Parking spaces maintained in connection with an existing and continuing main buildings or structure on the effective date of the ordinance comprising this chapter, shall be continued and may not be counted as serving a new structure or addition.

(d) A residential off-street parking space shall consist of a driveway and either a parking space, carport or garage and shall be located on the lot it is intended to serve.

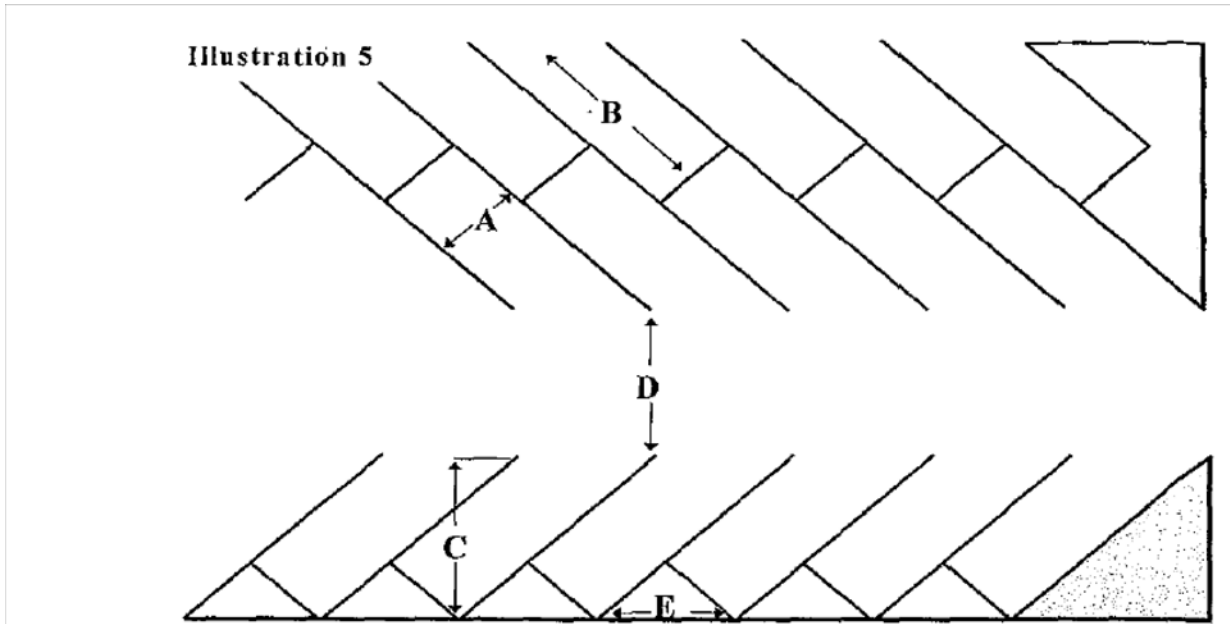
(e) The entire parking area, including parking spaces and maneuvering lanes, required under this section in accordance with specifications approved by the building official. Single-family and two-family developments shall provide an on-site parking and paving will be required in accordance with the specifications approved by the building official. In commercial, industrial, and multi-family developments, the parking area will be paved with two inches (2") of asphalt surface treated to be impermeable to prevent the intrusion of water, or the parking area may be surfaced with concrete if preferred. The concrete shall be a minimum thickness of four inches (4") of re-enforced concrete approved by the building inspector.

(f) In parking areas which abut an adjacent property line or is adjacent to a street right-of-way, all areas shall have either a continuously formed curbing six inches (6") in height or individual concrete stops located so as to prevent encroachment to any property line or street right-of-way.

(g) Location. Off-street parking shall be located on the same lot which it serves. If the parking cannot be reasonably provided on the same lot, the board of zoning appeals may permit parking spaces to be provided on the other off-street property provided such space lies within three hundred feet (300') of the main entrance to such principal use.

(h) Any lighting used to illuminate an off-street parking facility shall be arranged, installed, and maintained in order to deflect, shade, and focus lights away from adjacent public or private properties. Modifications to installed lighting may be required by the building inspector upon his determination that the lighting constitutes a hazard or nuisance.

(i) Parking stall width, length, depth, etc. shall conform to the design in Illustration 5.



Angle	Stall Width (A)	Stall Length (B)	Stall Depth (C)	Aisle Width (D)	Curb Length Per Car (E)
0°	10'	20'	10'	11'	23'
30°	10'	20'	18'8"	11'	20'
45°	10'	20'	21'3"	13'	14'2"
60°	10'	20'	22'3"	17'6"	11'6"
90°	10'	20'	20'	22'	10'

Note: Illustration Depicts 45 Degree Parking

(2) The minimum off-street parking requirements are as follows:

	Use	Spaces required
<b>a.</b>	<b>Residential</b>	
(1)	Dwelling, one and two family, townhouses and mobile homes	2 spaces per dwelling unit
(2)	Dwelling, multi-family	1.5 spaces for each one bedroom unit; 2.0 spaces for each two-bedroom unit; 2.5 spaces for each three bedroom unit; 3.0 spaces for each unit having four or more bedrooms.

	Use	Spaces required
(3)	Fraternities and sororities	2 spaces per bedroom plus 1 space for each 300 sq. ft. of common space
(4)	Retirement home or assisted living home	1 space per employee plus 1 space per dwelling unit
(5)	All other residential uses	as determined by the planning commission or the board of zoning appeals
<b>b.</b>	<b><u>Transportation, communications</u></b>	
(1)	Communications related services	1 space per 350 sq. ft. of total floor area
(2)	Freight forwarding and trucking terminals	1 space per 5,000 sq. ft. of total floor area
(3)	Transportation related services	1 space per 350 sq. ft. of total floor area
(4)	Warehousing and storage	3 spaces plus 1 space per 100 units
(5)	All other transportation and warehousing not listed	as determined by the planning commission or board of zoning appeals
<b>c.</b>	<b><u>Retail</u></b>	
(1)	Auto sales and service, auto parts, boat sales and service, boat parts and motorcycle sales and service	1 space per 500 sq. ft. of total floor area
(2)	Lumber and building materials	1 space per 500 sq. ft. of total floor area
(3)	Plumbing and heating supply	1 space per 1,000 sq. ft. of total floor area
(4)	Hardware and paint	1 space per 500 sq. ft. of total floor area

	Use	Spaces required
(5)	Greenhouse, nursery products, agricultural equipment and lawnmower sales and service	1 space per 1,000 sq. ft. of total floor area plus 1 space for each 5,000 sq. ft. of floor area
(6)	Shopping centers and malls	1 space per 200 sq. ft. of total floor area
(7)	General merchandise, clothing, variety and department stores	1 space per 200 sq. ft. of total floor area
(8)	Furniture, home furnishings, art, antiques and books and stationary	1 space per 400 sq. ft. of total floor area
(9)	Grocery stores and supermarkets	1 space per 150 sq. ft. of total floor area
(10)	Delicatessens and bakeries	1 space per 150 sq. ft. of total floor area
(11)	Package liquor store and beverage store	1 space per 200 sq. ft. of total floor area
(12)	Mobile home, semi-truck and heavy equipment sales	1 space per 500 sq. ft. of total floor area
(13)	Restaurants, cafes and cafeteria	1 space per 200 sq. ft. of total floor area
(14)	Restaurants, fast food	1 space per 100 sq. ft. of total floor area
(15)	Taverns, bars and drive-in restaurants	1 space per 150 sq. ft. of total floor area
(16)	Fuel or gas stations	1 space per 250 sq. ft. of total floor area with a minimum of 5 parking spaces
(17)	Convenience store	1 space per 200 sq. ft. of total floor area
(18)	Pawn shop	1 space per 300 sq. ft. of total floor area



	Use	Spaces required
(19)	All other retail trade not listed	as determined by the planning commission or the board of zoning appeals
<b>d.</b>	<b><u>Finance insurance and real estate</u></b>	
(1)	Banks, savings and loans, real estate offices, and insurance	1 space per 250 sq. ft. of total floor area
(2)	All other finance insurance and real estate not listed	as determined by the planning commission or the board of zoning appeals
<b>e.</b>	<b><u>Services</u></b>	
(1)	Advertising, consumer credit reporting and collections	1 space per 400 sq. ft. of total floor area
(2)	Arcades and pool halls	1 space per 200 sq. ft. of total floor area
(3)	Attorneys, accountants, engineers	1 space per 300 sq. ft. of total floor area
(4)	Automobile repair, oil and fluid changing services, electrical repair and radio and television repair	1 space per 500 sq. ft. of total floor area with a minimum of 2 spaces
(5)	Beauty, barber and photographic services	1 space per 300 sq. ft. of total floor area and 1 space per employee
(6)	Car wash, full service	1 space per 1000 sq. ft. of floor area
(7)	Car wash, self service	2 spaces plus 1 space per wash bay
(8)	Clerical services, monument sales	1 space per 500 sq. ft. of total floor area
(9)	Contract construction services	1 space per 1000 sq. ft. of total floor area

	Use	Spaces required
(10)	Convalescent homes	1 space for each employee plus 1 space for each 4 beds with a minimum of 4 spaces
(11)	Day care and child care centers	1.5 spaces per care room with a minimum of 5 spaces plus a paved unobstructed pick-up area with adequate stacking area
(12)	Elementary school or junior high school	1 space for each classroom, plus 1 space for each staff member and employee other than teachers, plus ten (10) additional spaces. This provision is not applicable where parking space required for an auditorium is provided.
(13)	Fairgrounds and amusement parks	1 sq. ft. of parking area for each sq. ft. of activity area
(14)	Funeral home or moratorium	1 space per 1,000 sq. ft. of floor area
(15)	Golf driving ranges and miniature golf	2 spaces per hole or tee
(16)	Group day care homes	1.5 spaces per care room with a minimum of 3 spaces
(17)	Hospitals and sanitariums	1 space for each employee, two spaces for each bed plus 1 space for each emergency vehicle
(18)	Hotels, motels, tourist courts and similar transient lodging	1 space per unit plus 1 space for each 400 sq. ft. of public meeting area or restaurant space
(19)	Kennels	1 space per 1,000 sq. ft. of total floor area
(20)	Labor unions, clubs, lodges and civil, social or fraternal associations	1 space per 100 sq. ft. of total floor area
(21)	Laundry, dry cleaning, apparel repair and cleaning services	1 space per 350 sq. ft. of total floor area

	Use	Spaces required
(22)	Libraries, museums and art galleries	1 space per 1,000 sq. ft. of floor area
(23)	Membership organizations	1 space per 300 sq. ft. of total floor area
(24)	Motion picture theaters, amphitheaters and stadiums	1 space per 50 sq. ft. of theater space
(25)	Other education services	1 space per 300 sq. ft. of total floor area
(26)	Photocopying, mailing, exterminating and employment	1 space per 400 sq. ft. of total floor area
(27)	Physicians, dentist offices and clinics	1 space per 150 sq. ft. of total floor area
(28)	Printing and publishing	1 space per 400 sq. ft. of total floor area
(29)	Retirement home	1 space per employee plus 1 space per dwelling unit
(30)	Rest homes or assisted living homes	1 space for each employee plus 1 space for each dwelling unit
(31)	Roller skating rinks, gymnasiums, fitness clubs and athletic clubs	1 space per 250 sq. ft. of total floor area
(32)	Senior high school	1 space for each classroom plus 1 space for each staff member and employee other than teachers, plus 1 space for each fifteen (15) students based on the capacity for which the building was designed.
(33)	Veterinarians and animal hospitals	1 space per 300 sq. ft. of total floor area
(34)	Watch repair, reupholstery, and other repair services not listed	1 space per 300 sq. ft. of total floor area with a minimum of 2 spaces

	Use	Spaces required
(35)	All other business, personal, professional, repair, governmental, and recreation	as determined by the planning commission or the board of zoning appeals
<b>e.</b>	<b><u>Industrial</u></b>	
	All industrial uses	1 space per 1,000 sq. ft. of floor area
<b>f.</b>	<b><u>Places of assembly</u></b>	
	Churches, synagogues, mosques, chapels, etc.	1 space per 5 seats or as determined by the board of zoning appeals

(3) Required handicapped parking spaces. (a) In developments handicapped parking spaces shall be provided which have a minimum width of twelve feet (12'). The number of handicapped parking spaces in relation to the total number of spaces is listed below:

<u>Total Spaces in Lot</u>	<u>Reserved Spaces</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 200	5
201 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
over 500	2% of total

(b) One in every eight (1 in 8) accessible parking spaces, or a minimum of one (1) (whichever is the greater number), shall be van accessible and shall be identified with the words "Van Accessible" on an above ground sign. Van accessible parking spaces shall be open to all vehicles properly identified.

(c) Access ramp slope. Slopes required for handicapped ramp access shall have a running slope not steeper than one (1) unit vertical in eight (8) units horizontal (12.5 percent slope). A running slope of one (1) unit vertical in twelve (12) units horizontal (8 percent slope) is desirable.

(1980 Code, § 11-212, as amended by Ord. #98-1, Feb. 1998, and replaced by Ord. #2010-01, Jan. 2010, and Ord. #2014-01, March 2014)

**14-213. Off-street loading and unloading space.** Every building or structure used for business or trade shall provide adequate space for the loading or unloading of vehicles off the street or public alley. Such space shall have access to a public alley, or if there is no alley, to a public street. (1980 Code, § 11-213, as replaced by Ord. #2010-01, Jan. 2010)

**14-214. Access control.** In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

(1) A point of access, i.e., a drive or other opening for vehicles onto a street shall not exceed thirty feet (30') in width.

(2) There shall be no more than two (2) points of access to any one (1) public street on a lot less than four hundred feet (400') but more than one hundred feet (100') in width. Lots less than one hundred feet (100') in width shall have no more than one (1) point of access to any one (1) public street.

(3) No point of access shall be allowed within ten feet (10') of the right-of-way of any public street intersection.

(4) Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have a curb of at least six inches (6") in height and six inches (6") in width separating the parking area from the sidewalk to prevent encroachment of vehicles onto the sidewalk area.

(5) No curbs on city streets or rights-of-way shall be cut or altered without written approval of the building inspector.

(6) Cases requiring variances relative to this action, and hardships not caused by the property owner, shall be heard and acted upon by the board of zoning appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

(7) Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Highways or the provisions of chapters 2 through 9 of this title whichever is higher. (1980 Code, § 11-214, as replaced by Ord. #2010-01, Jan. 2010)

**14-215. Public street frontage.** All residential uses must front on a public street for a distance of at least thirty-five feet (35'). (1980 Code, § 11-215, as replaced by Ord. #2010-01, Jan. 2010)

**14-216. Alterations.** No building or structure, whether conforming or non-conforming, shall be changed, expanded, or any way altered except in conformance with all provisions of chapters 2 through 12 of this title. An

example of a violation of this provision would be the division of a single dwelling unit into two (2) or more units except in conformance herewith. (1980 Code, § 11-216, as replaced by Ord. #2010-01, Jan. 2010)

**14-217. Building permits in floodplains.** No building permit shall be issued for the construction of any building for any residential, business, industrial, or public use, which would be within the floodplain of any creek, ditch, or stream, or which is subject to periodic or occasional inundation, as determined by the board of zoning appeals. This shall be construed to include the storage of any material which may float and cause drainage obstructions. (1980 Code, § 11-217, as replaced by Ord. #2010-01, Jan. 2010)

**14-218. Classification of districts.** For the purpose of chapters 2 through 12 of this title, Humboldt, Tennessee, is hereby divided into eleven (12) districts, designated as follows:

R-1	Low Density Residential
R-2	Medium Density Residential
R-3	High Density Residential
R-4	Residential--Professional
PRD	Planned Residential Development
B-1	Neighborhood Business
B-2	General Business
B-3	Central Business
H-M	Hospital-Medical
M-1	Light Industrial
M-2	Heavy Industrial
F-H	Flood Hazard District Overlay
ACR	Airport Clear Zone Overlay

(Ord. # 83-4, Aug. 1983, as replaced by Ord. #2010-01, Jan. 2010)

**14-219. Boundaries of districts.** (1) The boundaries of districts in § 14-218 of this chapter are hereby established as shown on the official zoning map entitled "Official Zoning Map of Humboldt, Tennessee," which is a part of chapters 2 through 12 of this title and which is on file in the city hall.

(2) Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of the provisions of chapters 2 through 12 of this title. Questions concerning the exact

locations of district boundaries shall be determined by the board of zoning appeals.

(3) Where a district boundary divides a lot, as existing at the time the provisions of chapters 2 through 12 of this title takes effect and the major portion of said lot is in the less restricted, the regulations relative to that district may be extended to twenty feet (20') into the more restricted district within said lot. (1980 Code, § 11-219, as replaced by Ord. #2010-01, Jan. 2010)

**14-220. Sign regulations.** (1) Purposes. The purposes of these sign regulations are:

- (a) To encourage the effective use of signs as a means of communication in the city;
- (b) To maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth;
- (c) To improve pedestrian and traffic safety;
- (d) To minimize the possible adverse effect of signs on nearby public and private property; and
- (e) To enable the fair and consistent enforcement of these sign restrictions.

(2) Applicability--effect. A sign may be erected, placed, established, painted, created, or maintained in the city only in conformance with the standards, procedures, exemptions, and other requirements of this title. The effect of this title, as more specifically set forth therein, is:

- (a) To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this title;
- (b) To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this title, but without a requirement for permits;
- (c) To prohibit all signs not expressly permitted by this title; and
- (d) To provide for the enforcement of the provisions of this title.

(3) Computations. The following principles shall control the computation of sign area and sign height.

(4) Computation of area of individual signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which is placed, but not including any supporting framework, bracing, or decorative fence or wall when

such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

(5) Computation of area of multi-faced signs. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two inches (42") apart, the sign area shall be computed by the measurement of one (1) of the faces.

(6) Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

(a) Existing grade prior to construction; or

(b) The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

(7) Computation of a maximum total permitted sign area for a lot. The permitted sum of the area of all individual signs on a lot shall be computed by applying the formula contained in Table 14-220B, Maximum Total Sign Area, to the lot frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two (2) or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

(8) Signs allowed on private property with and without permits. Signs shall be allowed on private property in the city in accordance with, and only in accordance with, Table 14-220A. If the letters "OK" appear for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letters "NO" appear for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances. If the letter "P" appears, a permit is required. Although permitted under the previous paragraph, a sign designated by an "OK" or "P" in Table 14-220A shall be allowed only if:

(a) The sum of the area of all building and freestanding signs on the lot conforms with the maximum permitted sign area as determined



by the formula for the zoning district in which the lot is located as specified in Table 14-220B;

(b) The size, location, and number of signs on the lot conform with the requirements of Tables 14-220B, which establish permitted sign dimensions by sign type, and with any additional limitations listed in Table 14-220A;

(c) The characteristics of the sign conform with the limitations on characteristics listed in Table 14-220A.

(9) Permits required. If a sign requiring a permit under the provision of this title is to be placed, constructed, erected, or modified on a lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of § 14-220(27).

(a) No signs shall be erected in the public right-of-way except in accordance with § 14-220(22).

(b) No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this title (including those protecting existing signs) in every respect and with the master signage plan or common signage plan in effect for the property.

**Table 14-220A**

**Signs by Type and Zoning District**

<b>District</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>H-M</b>	<b>M-1</b>	<b>M-2</b>
<b>FREESTANDING</b>										
Billboard	NO	NO	NO	NO	NO	P	P	P	P	P
Incidental	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
<b>BUILDING</b>										
Wall	NO	NO	NO	NO	NO	P	P	P	P	OK
Banner	NO	NO	NO	NO	NO	P	P	P	P	OK
Building Marker	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
Canopy Sign	NO	NO	NO	NO	NO	OK	OK	OK	OK	OK
Incidental <sup>3</sup>	NO	NO	NO	OK	OK	OK	OK	OK	OK	OK
Marquee <sup>4</sup>	NO	NO	NO	NO	NO	P	P	P	P	OK
Projecting <sup>4</sup>	NO	NO	NO	NO	NO	P	P	P	P	OK



<b>Sign Type</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>H-M</b>	<b>M-1</b>	<b>M-2</b>
Area (sq. ft.)	4	4	4	12	12	40	81	40	40	12
Height	2	2	2	5	5	15	25	15	15	5
Setback	5	5	5	5	5	2	10	10	10	5
Number Permitted	1	1	1	1	1	1	1	1	1	1
Per Street Frontage					per 200 Lft*	per 100 Lft	per 200 Lft	per 400 Lft	per 400 Lft	

**BUILDING**

Area (max sq. ft.)	4	4	4	4	4	NA	NA	NA	NA	10
Wall Area (percent)	1%	1%	1%	1%	1%	10%	20%	5%	5%	NA

\*Lft = linear feet

(10) Design, construction, and maintenance. All signs shall be designed, constructed, and maintained in accordance with the following standards:

(a) All signs shall comply with applicable provisions of the building code and the electrical code of the city at all times.

(b) Except for banners, flags and temporary signs, conforming in all respects with the requirements of this title, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

(11) Master or common signage plan. No permit shall be issued for an individual sign requiring a permit unless and until a master signage plan or a common signage plan for the lot on which the sign will be erected has been submitted and approved by the planning commission as conforming with this section.

(12) Master signage plan. For any lot on which the owner proposes to erect one (1) or more signs requiring a permit, unless such lot is included in a common signage plan, the owner shall submit to the planning commission a master signage plan containing the following:

(a) An accurate plot plan of the lot, at such scale as the planning commission may reasonably require;

(b) Location of buildings, parking lots, driveways, and landscaped areas on such lot;

(c) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this title; and

(d) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

(13) Common signage plan. If the owners of two (2) and more contiguous (disregarding intervening streets and alleys) lots or the owner of a single lot with more than one (1) building (not including any accessory building) file with the planning commission for such lots a common signage plan conforming with the provisions of this section, a twenty-five percent (25%) increase in the maximum total sign area shall be allowed for each included lot. This bonus shall be allocated within each lot as the owner(s) elects.

(14) Provisions of common signage plan. The common signage plan shall contain all of the information required for a master signage plan and shall also specify standards for consistency among all signs on the lots affected by the plan with regard to:

- (a) Color scheme;
- (b) Location of each sign on the buildings;
- (c) Lettering or graphic style;
- (d) Material and sign proportions;
- (e) Lighting.

(15) Limit on number of freestanding signs under common signage plan. The common signage plan, for all lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one (1) for each street on which the lots included in the plan have frontage and shall provide for shared or common usage of such signs.

(16) Other provisions of master or common signage plans. The master or common signage plan may contain such other restrictions as the owners of the lots may reasonably determine.

(17) Consent. The master or common signage plan shall be signed by all owners or their authorized agents in such form as the enforcement officer shall require.

(18) Procedures. A master or common signage plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the city for the proposed development and shall be processed simultaneously with such other plan.

(19) Amendment. A master or common signage plan may be amended by filing a new master or common signage plan that conforms with all requirements of the ordinance then in effect.

(20) Existing signs not conforming to common signage plan. If any new or amended common signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within

three (3) years, all signs not conforming to the proposed amended plan or to the requirements of this title in effect on the date of submission. This schedule shall be enforced by the enforcement officer.

(21) Binding effect. After approval of a master or common signage plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this title. In case of any conflict between the provisions of such a plan and any other provision of this title, this title shall control.

(22) Signs in the public right-of-way. No sign shall be allowed in the public right-of-way, except for the following:

(a) Permanent signs. Permanent signs, including: public signs erected by or on behalf of a governmental body to post legal notices identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic; bus stop signs erected by a public transit company; informational signs of a public utility regarding its poles, lines, pipes, or facilities, and awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions of Table 14-220A of this chapter.

(b) Emergency signs. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

(c) Other signs forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

(23) Signs exempt from regulation under this ordinance. The following signs shall be exempt from regulation under this chapter:

(a) Any public notice or warning required by a valid and applicable federal, state, or local law, regulations, or ordinance;

(b) Any sign inside a building, attached to a window or door;

(c) Works of art that do not include a commercial message;

(d) Holiday lights and decorations with no commercial message;

(e) Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort;

(f) Temporary signs without a commercial message;

(g) Signs indicating anti-theft systems and alarm systems.

(24) Signs regulated as temporary signs. Temporary signs are permitted in all districts. There will not be a fee for temporary signs. The following types of signs shall be regulated as temporary signs within the City of Humboldt and shall be removed within a maximum period of thirty (30) days. Extensions to the thirty (30) day maximum are granted by the enforcement officer.

- (a) Beacons; and
- (b) Pennants; and
- (c) Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section; and
- (d) Inflatable signs and tethered balloons; and
- (e) Temporary sales signs, to include but not limited to garage or yard sale signs (in accordance with current Humboldt City Code), personal business signs and signs intended to sell or distribute goods.

(25) General permit procedures. The following procedures shall govern the application for, and issuance of, all sign permits under this chapter, and the submission and review of common signage plans and master signage plans.

(26) Applications. All applications for sign permits of any kind and for approval of a master or common signage plan shall be submitted to the enforcement officer on an application form or in accordance with application specifications published by the enforcement officer.

(27) Fees. Each application for a sign permit or for approval of a master or common usage signage plan shall be accompanied by the applicable fees, which shall be established by the governing body of the city from time to time by resolution.

(28) Completeness. Within thirty (30) days of receiving an application for a sign permit or for a common or master signage plan, the enforcement officer shall review it for completeness. If the enforcement officer finds that it is complete, the application shall then be submitted to the planning commission for review. If the enforcement officer finds that it is incomplete, the enforcement officer shall, within such thirty (30) day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this chapter.

(29) Action. Within thirty (30) days of the submission of a complete application for a sign permit, the planning commission shall either:

- (a) Authorize the issuance of a sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this chapter and the applicable master or common signage plan; or
- (b) Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this chapter and of the applicable master or common signage plan. If the sign permit is rejected by the planning commission, the owner/developer has a right to appeal to the board of zoning appeals.

(30) Permits to construct or modify signs. Signs identified as "P" on Table 14-220A shall be erected, installed, or created only in accordance with a duly issued and valid sign construction permit from the enforcement officer. Such permits shall be issued only in accordance with the following requirements and procedures.

(31) Permit for new sign or for sign modification. An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign, to the extent that such details are not contained on a master signage plan or common signage plan then in effect for the lot. One (1) application and permit may include multiple signs on the same lot.

(32) Inspection. The enforcement officer shall inspect the lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this chapter and with the building and electrical codes, the enforcement officer shall affix to the premises a permanent symbol identifying the sign(s) and the applicable permit by number or other reference. If the construction is substantially complete but not in full compliance with this chapter and applicable notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the enforcement officer shall affix to the premises the permanent symbol described above.

(33) Signs in the public right-of-way. No signs, whether permanent or temporary, may be placed in the public right-of-way. Enforcement shall include the removal of any signs in the right-of-way, with no compensation granted to the offending party or parties.

(34) Violations. Any of the following shall be a violation of this chapter and shall be subject to the enforcement remedies and penalties provided by this chapter and/or by state law.

(a) To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located;

(b) To install, create, erect, or maintain any sign requiring a permit without such a permit;

(c) To fail to remove any sign that is installed, created, erected, or maintained in violation of this chapter; or

(d) Each sign installed, created, erected, or maintained in violation of this chapter shall be considered a separate violation when applying the penalty portions of this chapter.

(35) Fee schedule. Sign permits fees will be assessed and collected for each master or common signage plan. Fees for all new or modified permitted signs shall be based on the ratio of one dollar (\$1.00) per square foot of signage. Holiday oriented signs, public purpose signs without a commercial message and all signs excluded from this chapter shall not be required to pay sign permit

fees. (as added by Ord. #2005-01, Feb. 2005, and replaced by Ord. #2010-01, Jan. 2010)

**14-221. Telecommunication structure requirements.** (1) Purpose. The purpose of this section is to protect the following health and enhance the safety of the residents of the City of Humboldt by providing provisions relative to controlling the height, number and light emission of telecommunication structures in the city.

(2) Applicability. All new telecommunication structures which are defined as any system of wires, poles, rods, reflecting discs, or similar devices that exceed a height of twenty feet (20'), are not constructed upon a residential structure and are used for the transmission or reception of electromagnetic waves shall be required to submit a site plan for approval.

(3) Plan requirement. Prior to the issuance of a building permit for the construction of a tower or the utilization of an existing utility structure for telecommunications purposes, a site plan shall be submitted and reviewed in accordance to with the provisions of the site plan review requirements in the Humboldt Zoning Ordinance and the following provisions:

(a) All new telecommunications structures not on an existing utility structure shall show the location of the tower and accessory structure and the location of two (2) future antennae arrays and accessory structures.

(b) A letter of intent from the owner allowing for the shared use of the tower.

(c) A letter from a professional engineer certifying that the tower's height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.

(d) A letter indicating why all existing towers within one (1) mile radius of the proposed tower cannot be utilized.

(4) Uses permitted on appeal. All telecommunication structures are only allowed in commercial and industrial districts as uses permitted on appeal.

(5) Prohibited uses. All telecommunication towers that exceed a height of twenty feet (20') constructed in a lattice type manner and any tower that is not specifically permitted as a use permitted on appeal.

(6) Type. Lattice or monopole type telecommunications towers are allowed.

(7) Accessory uses and structures. (a) A telecommunications structure, as defined in this section, shall not be considered as an accessory use to any permitted use or use permitted on appeal in any zoning district in the City of Humboldt. For the purpose of this section, transmission, switching and receiving buildings that provide for the operation of the tower, shall be considered as accessory uses. Any building that allows for the conduct



of business or requires partial occupation by person or persons for any part of a day shall not be considered as an accessory structure to a tower.

(b) A utility structure shall be limited to no more than two (2) accessory buildings or structures at the base of the power line structure or water tower.

(8) Structural requirements. (a) All new telecommunications structures not on an existing utility structure within the City of Humboldt shall be designed to accommodate a minimum of three (3) antenna arrays.

(b) All telecommunication structures on an existing utility structure shall be designed to accommodate a minimum of two (2) antenna arrays.

(c) All telecommunications structures, whether freestanding or on an existing utility structure shall be designed to withstand winds of a minimum of 70 mph with half an inch (1/2") radial ice.

(9) Setback. (a) All telecommunications structures and accessory structures that are not constructed on an existing utility structure shall be setback from the property lines a distance equal to seventy percent (70%) of the height of the structure. The setback shall be measured from the security fence to all of the surrounding property lines.

(b) In instances when telecommunications structures and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line or a residential district, measured from the security fence, shall be one hundred percent (100%) of the tower height plus ten feet (10').

(10) Co-use of utility structures. The co-use of existing utility structures in the City of Humboldt shall be encouraged on existing power line structures exceeding thirty feet (30') in height and water towers.

(11) Height. No tower shall exceed one hundred fifty feet (150'). In instances when a tower is to be located upon or within an existing utility structure, which is defined as an existing power line structure that exceeds thirty feet (30') or an existing water tower, the maximum height shall not exceed the height of the structure plus fifteen feet (15').

(12) Shared use. The shared use of existing towers within the City of Humboldt shall be encouraged through the requirement of having all new towers designed for additional users. All proposals for a new telecommunications structure shall demonstrate, through documentation, that no existing towers within a one (1) mile radius of the proposed tower will accommodate a new antenna array for one (1) or more of the following reasons:

(a) The planned antenna array equipment would exceed the structural capacity of all existing or approved towers and existing utility structures and said towers and structures cannot be upgraded at a reasonable cost.

(b) The planned equipment would cause Radio Frequency (RF) interference with other existing or planned equipment.

(c) The planned equipment would not function effectively and reasonably on an existing tower or utility structure.

(d) Geographic service requirements would prevent the co-use of an existing tower or utility structure.

(13) Security. All telecommunications structures, whether freestanding or on an existing utility structure, shall be fully secured through the installation of a security fence/wall system of a minimum height of eight feet (8') or the height of the accessory structures, whichever is greater.

(14) Landscaping. All freestanding towers and utility structures shall have a four foot (4') wide landscaping strip around the perimeter of the security fence. The landscaping strips shall be installed for the permanent year round protection of adjacent property owners by visually shielding the contents at the base of the tower from adjoining property owners. The landscaping strip shall consist of a combination of trees, shrubs, vines and other ground covers that are expected to grow to a height of eight feet (8').

The landscaping provision of this subsection may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or there are existing physical features that meet the intent and purpose of this section.

(15) Vehicle access/parking. (a) The location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the planning commission.

(b) No parking spaces shall be required for the site since the site shall not have workers that remain at the site on a full or part-time basis.

(16) Lighting. (a) Towers. No artificially lighted tower shall be permitted in the City of Humboldt. If the Federal Aviation Administration (FAA) requires the proposed tower to be lighted, then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting.

(b) Structures. Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination offers only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent properties and public streets.

(17) Removal of obsolete towers. Any telecommunications structure that is no longer in use for its original purpose shall be removed at the owner's expense. The owner shall provide the city with a copy of the notice of intent to cease operations that must be submitted to the FCC and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and any accessory structure(s). In case of multiple operators sharing a single tower,

this provision shall not become effective until all users cease operations. (as added by Ord. #2010-01, Jan. 2010)

**14-222. Contents of the site plan.** (a) The site plan shall include:

- (i) Name of development and address.
- (ii) Name and address of owner of record and the applicant.
- (iii) Scale of one inch equals fifty feet (1" = 50') or larger.
- (iv) Note present zoning classification of the site and all abutting properties. Also, note nature of proposed use.
- (v) Date, scale, and north point with reference to source of meridian. Note all related dimensions and bearings of the lot.
- (vi) Courses and distances of center lines of all streets.
- (vii) All building restriction lines (yard setbacks and rights-of-way) right-of-way and highway setback lines, easements, covenants, reservations and rights-of-way.
- (viii) The acreage or square footage of the lot.
- (ix) Sufficient grade and elevation information to demonstrate that the property will properly drain and can be connected to the public sewer system to provide gravity discharge of waste from the building. Topography to be shown by dashed line illustrating contours.
- (x) A certificate by a licensed civil engineer, architect or land surveyor certifying that the plan as show is true and correct. Drainage plans requiring calculations shall be certified by a licensed civil engineer.
- (xi) A vicinity map showing the relationship of the proposed development to Humboldt.
- (xii) A form for certification of approval by the secretary of the planning commission.
- (xiii) A form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets and other public improvements shown on the plan and agree to make any required improvements as shown on the plan.

(b) The site plan shall show the location, dimensions, site and height of the following:

- (i) Sidewalks, streets, alleys, easements and utilities.
- (ii) Buildings and structures including the front (street) side and rear elevations of proposed buildings.
- (iii) Public sewer systems.
- (iv) Slopes, terraces, and retaining walls.
- (v) Driveways, entrances (all access points), exits, parking areas, sidewalks and garbage collection site.
- (vi) Water mains and fire hydrants.

- (vii) The following when applicable:
  - (A) Number and size of parking stalls and type of proposed pavement (either portland concrete or asphalt).
  - (B) Number of loading spaces and type of proposed pavement (either portland concrete asphalt).
- (viii) Plans for the collection and discharge of stormwater and methods for landscaping. The delineation of the limits of floodplains, if any. Also the site plan must denote the minimum 100-year, base flood elevation level if any portion of the site lies within the FEMA designated special flood hazard area.
- (ix) Proposed grading and drainage plan with calculations.
- (x) Detailed plans for landscaping and required screens.
- (c) The planning commission shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the proposed use. This may include, but not be limited to setbacks, screening, lighting, parking location and layouts, access and general landscaping requirements.
- (d) The planning commission, within sixty (60) days shall approve the site plan as submitted or reject the site plan as submitted. The reasons for rejection of the site plan shall be certified to the applicant in writing or by telecommunications. The planning commission shall have the authority to give conditional approval to a site plan, subject to revision being required of the applicant.
- (e) The certification required of the owner and trustee of the mortgage shall serve as the commitment by the owner that the site plan will be developed as shown on the site plan. Upon such certification by the owner, the approved site plan shall be recorded by the owner with the Gibson County Register's Office and shall regulate the development of the subject parcel. If, during the process of construction, the building inspector notes variations from the approved site plan, he shall promptly notify the owner in writing of these variations and shall direct that the variations be corrected within a specified period. If, after proper notice by the building inspector, the owner has not complied with these provisions of the approved site plan, the building inspector shall have the authority to cite the owner to municipal court for violation of this chapter. (as added by Ord. #2010-01, Jan. 2010)

**CHAPTER 3****PROVISIONS GOVERNING RESIDENTIAL DISTRICTS****SECTION**

- 14-301. R-1 (Low Density Residential) Districts.
- 14-302. R-2 (Medium Density Residential) Districts.
- 14-303. R-3 (High Density Residential) Districts.
- 14-304. R-4 (Residential-Professional) Districts.
- 14-305. PRD (Planned Residential District).

**14-301. R-1 (Low Density Residential) Districts.** The intent of the R-1 (Low Density Residential) is to provide for an area for single family residential free from conflicting residential uses. These areas should be served by all municipal services. Within the R-1 (Low Density Residential) Districts, as shown on the zoning map of Humboldt, Tennessee, the following regulations shall apply:

- (1) Uses permitted. (a) Single-family dwellings, not mobile homes.
  - (b) Accessory buildings customarily incidental to any aforementioned permitted use.
  - (c) Real estate signs advertising the sale, rental, or leasing of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least fifteen feet (15') from all lot lines.
  - (d) Townhouse residential development may be permitted as a special exception upon approval by the board of zoning appeals, and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the neighborhood in which the proposed development is located and provided that the following standards and criteria are met:
    - (i) Detail design criteria of the site plan.
      - (A) Not more than seven (7) contiguous townhouses, nor fewer than in a row with approximately the same (but staggered) front line;
      - (B) Minimum width for the lot on which any single townhouse unit is to be considered shall be twenty feet (20').
      - (C) Lot area per townhouse shall average no less than five thousand (5,000) square feet. The number of units permitted per site shall be determined on the following basis:

Ten thousand (10,000) square feet for the first unit plus five thousand (5,000) square feet for each additional unit.

(D) No portion of a townhouse or accessory structure shall be closer than twenty feet (20') to any portion of a townhouse or accessory structure related to another group.

(ii) Area regulations (project area or parcel).

(A) The townhouse project area or parcel shall front on a public street for at least one hundred feet (100').

(B) Land requirements for the perimeter of the townhouse project area or parcel shall be as follows:

(1) Front yard or corner side yard. The minimum depth of the front yard or corner side yard shall be thirty feet (30').

(2) Side yard. The minimum depth of the side yard shall be ten feet (10').

(3) Rear yard. The minimum depth of the rear yard shall be thirty feet (30').

(iii) Height regulation. No townhouse structure shall exceed three (3) stories or thirty-five feet (35') in height. No accessory structure shall exceed two (2) stories or twenty-five feet (25') in height.

(iv) Open space. Minimum open space shall be computed at forty percent (40%) to the total area to be developed for townhouse purpose.

(v) Parking facilities. Insofar as practical, off-street parking shall be grouped in bays, in the interior of the project area. No off-street parking space shall be more than one hundred feet (100') by the more direct pedestrian route, from a door of the dwelling unit it is intended to serve. Two (2) parking spaces shall be provided for each dwelling unit. Unless specifically provided, no parking space shall be arranged so as to allow backing upon a public street.

(vi) Maintenance of private streets and utilities, open spaces and common areas. Provision for the maintenance of all private streets and utilities, and open spaces not platted as individual lots shall be included in the deed restrictions of the property. Individual utility, connections shall be provided to each townhouse dwelling unit.

(vii) Procedure for approval. The board of zoning appeals may make other reasonable requirements or information when necessary.

Upon receiving a properly submitted and prepared site plan, the building inspector, acting on behalf of the board of zoning appeals, shall refer the site plan to the planning commission of their review and recommendations. The planning commission shall

review the site plan of the proposed development and shall make recommendations to the board of zoning appeals, provided that any such recommendations shall be made within a maximum of thirty-five (35) days from the date first reviewed by the planning commission.

The board of zoning appeals, having received the recommendation of the planning commission, or in the event that recommendations are not received from the planning commission within thirty-five (35) days from the date first received by the planning commission, shall act upon the request for special exception in accordance with the procedures set forth in § 14-904, and may prescribe appropriate conditions and safeguard as authorized therein.

(viii) Relationship to the subdivision regulations. At the time an application is made for site plan approval of a townhouse development, the developer must also make application for preliminary approval of the subdivision plat. This is necessary since land is to be subdivided, and, in some cases, streets are to be dedicated. Both the site plan and the preliminary plat should be considered simultaneously. The site plan should form the sole basis for granting modifications with respect to subdivision regulations. The final subdivision plat may be submitted to the planning commission on all or any portion of a development in accordance with final plat requirements of the subdivision regulations.

(2) Uses permissible on appeal. Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, any railroad rights-of-way, as a matter of right, provided however, that the provisions hereof are observed and subject to approval of the site plans by the board of zoning appeals. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of chapters 2 through 12 of this title, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

(b) The board of zoning appeals may at its discretion permit county, state or federal uses, public utilities facilities, cemeteries, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, customary general farming

uses, gardens and buildings incidental thereto, but not including animal or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the district in which the proposed use is located.

(c) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

(i) The proposed use shall be located and conducted in the principal building only;

(ii) The principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;

(iii) Not more than fifteen percent (15%) of the total floor area in a dwelling unit shall be devoted to the proposed use;

(iv) The proposed use shall not constitute primary or incidental storage facility for a business, industrial, or agricultural activity conducted elsewhere;

(v) No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public way;

(vi) The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located.

(vii) The proposed use shall not generate noise, noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;

(viii) The provisions of this section will not be used under any circumstance to permit barber shops, beauty shops, gift shops, florist shops, business offices or professional offices.

(d) Board of zoning appeals as home occupations subject to the requirements of subsection 14-301(2)(c), and submission of a site plan, except that the board may waive any site plan requirements it deems unnecessary for its review. The approval of the required site plan may be subject to such conditions as the board of zoning appeals may require in order to protect the children and to preserve and protect the character of the district in which the proposed use is to be located. At a minimum, the day care operations approved shall meet the following additional requirements:

(i) Minimum required lot area.



(A) Family day care home--ten thousand (10,000) square feet.

(ii) Minimum required fenced play area.

(A) Family day care home--one thousand four hundred (1,400) square feet.

(iii) The board of zoning appeals shall also specifically address the need for set back of fenced area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.

(iv) All outdoor play activities shall be conducted within the fenced play area.

(v) The family day care home facility maintenance and operation shall meet the requirements of the Tennessee Department of Human Services.

(vi) The family day care home shall be conducted in single-family residences only, not to include mobile homes. Accessory structures may not be used for day care facilities.

(vii) All persons engaged in the family day care home operation shall be residents of the home.

(viii) No more than fifteen percent (15%) of the ground floor area may be used in the home occupation.

(ix) There shall be no signs advertising the property as a day care facility.

(3) Uses prohibited. Any other use or structure not specifically permitted or permissible on appeal in this section is prohibited.

(4) Location of accessory buildings. (a) No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty percent (30%) of any required rear yard, and shall be at least five feet (5') from all lot lines and from any other building on the same lot.

(b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

(5) Regulations controlling lot area, lot width, yards, building height. The principal building shall be located so as to comply with the following requirements:

(a)	Minimum required lot area:	
	(i)	Dwelling units                      10,000 sq. ft.
	(ii)	Churches                                      One (1) acre or 200 sq. ft. of lot area per auditorium seat, whichever is greater
	(iii)	Schools                                        Five (5) acres plus one (1) acre for each one hundred (100) students

- (iv) Other uses As required by the board of appeals
- (b) Minimum required lot width at the building line:
  - (i) Dwellings 75 feet
  - (ii) Churches 200 feet
  - (iii) Other uses As required by the board of appeals
- (c) Minimum required front yard:
  - (i) Dwellings 30 feet
  - (ii) Churches 40 feet
  - (iii) Other uses 40 feet or more as required by the board of appeals
- (d) Minimum required rear yard:
  - (i) Dwellings 30 feet
  - (ii) Churches 30 feet
  - (iii) Other uses 30 feet or more as required by the board of appeals
- (e) Minimum required side yard on each side:
  - (i) Dwellings 10 feet
  - (ii) Churches 30 feet
  - (iii) Other uses 15 feet or more as required by the board of appeals
- (f) Minimum required side yards for side facing streets on corner lots 30 feet
- (g) Maximum lot coverage by all buildings:
  - (i) Dwellings and accessories 30%
  - (ii) Churches 25%
  - (iii) Other uses As required by the board of appeals
- (h) Maximum permitted height of structures:
  - (i) No building shall exceed three (3) stories or thirty-five feet (35') in height unless each side yard is increased over the required minimum by five feet (5') for every five feet (5'), or fraction thereof, of additional height over thirty-five feet (35'), not to exceed sixty-five feet (65'), however;
  - (ii) On a lot less than fifty feet (50') in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five feet (25') in height.
  - (iii) No accessory building shall exceed two (2) stories in height.

(iv) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this chapter provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten feet (10') from the nearest property line.

(6) Site plan review. Prior to issuance of a building permit for any use except single-family dwellings, a site plan for the use and development of the entire tract shall be submitted to planning commission and Humboldt Utilities. The site plan shall conform to the requirements provided in § 14-222. (1980 Code, § 11-301, as amended by Ord. #83-4, Aug. 1983, Ord. #96-2, June 1996, Ord. #97-2, Aug. 1997, and Ord. #2000-08, March 2001, and replaced by Ord. #2010-01, Jan. 2010, and amended by Ord. #2010-04, May 2010)

**14-302. R-2 (Medium Density Residential) Districts.** The intent of the R-2 (Medium Density Residential) is to provide for an area that allows for single family and two-family residential development free from conflicting residential land uses. Within the R-2 (Medium Density Residential) Districts, as shown on the zoning map of Humboldt, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Single and two-family dwellings, not to include mobile homes.

(b) Accessory buildings customarily incidental to any aforementioned permitted use.

(c) Real estate signs advertising the sale, rental, or leasing of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least fifteen feet (15') from all lot lines.

(2) Uses permissible on appeal. (a) Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, funeral homes provided they are located on a street of at least a collector classification, and railroad rights-of-way shall be permitted as a matter of right, provided however, that the provisions of chapters 2 through 12 of this title are observed and subject to approval of the site plans by the board of zoning appeals. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed uses is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this section, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural

style or proposed buildings, the power to specify building materials or colors, or other similar powers.

(b) The board of zoning appeals may at its discretion permit county, state or federal uses, public utilities facilities, cemeteries, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, customary general farming uses, gardens and buildings incidental thereto, but not including animal or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the district in which the proposed use is located.

(c) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

(i) The proposed use shall be located and conducted in the principal building only;

(ii) The principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;

(iii) Not more than fifteen percent (15%) of the total floor area in a dwelling unit shall be devoted to the proposed use;

(iv) The proposed use shall not constitute primary or incidental storage facility for a business, industrial, or agricultural activity conducted elsewhere;

(v) No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public way;

(vi) The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;

(vii) The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located; and

(d) Townhouse residential development may be permitted as a special exception upon approval by the board of zoning appeals, and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the neighborhood in which the proposed development is located and provided that the following standards and criteria are met:

(i) Detail design criteria of the site plan:

(A) Not more than seven (7) contiguous townhouses, nor fewer than three (3), shall be built in a row with approximately the same (but staggered) front line;

(B) Minimum width for the lot on which any single townhouse unit is to be constructed shall be twenty feet (20');

(C) Lot area per townhouse shall average no less than thirty-five hundred (3,500) square feet. The number of units permitted per site shall be determined on the following bases:

Six thousand (6,000) square feet for the first unit plus three thousand five hundred (3,500) square feet for each additional unit.

(D) No portion of a townhouse or accessory structure shall be closer than fourteen feet (14') to any portion of a townhouse or accessory structure related to another group.

(E) Assisted living facilities provided, as conditions of approval of uses permissible on appeal, the subject property for such must be located on an arterial status street, and a site plan shall be approved by the planning commission. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include the following:

(1) The power to require greater setbacks and yard spaces than required by the other provisions of this section;

(2) The power to specify access points and driveway and parking locations, and similarly site design matters;

(3) The power to require proper buffering/screening in order to protect adjacent properties;

(4) This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

(ii) Area regulations (project area or parcel).

(A) The townhouse project area or parcel shall front on a public street for at least one hundred feet (100').

(B) Land requirements for the perimeter of the townhouse project area or parcel shall be as follows:

(1) Front yard or corner side yard. The minimum depth of the front yard or corner side yard shall be twenty-five feet (25').

(2) Side yard. The minimum depth of the side yard shall be seven feet (7').

(3) Rear yard. The minimum depth of the rear yard shall be twenty feet (20').

(C) Family day care homes may be permitted by the board of zoning appeals as home occupations subject to the requirements of § 14-302(2)(c), and submission of a site plan, except that the board may waive any site plan requirements it deems unnecessary for its review. The approval of the required site plan may be subject to such conditions as the board of zoning appeals may require in order to protect the children and to preserve and protect the character of the district in which the proposed use is to be located. At a minimum, the day care operations approved shall meet the following additional requirements:

(1) Minimum required lot area.

(a) Family day care home--6,000 square feet.

(2) Minimum required fenced play area.

(a) Family day care home--1,400 square feet.

(3) The board of zoning appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.

(4) All outdoor play activities shall be conducted within the fenced play area.

(5) The family day care home facility maintenance and operation shall meet the requirements of the Tennessee Department of Human Services.

(6) The family day care home shall be conducted in single-family residences only, not to include mobile homes. Accessory structures may not be used for day care facilities.

(7) All persons engaged in the family day care home operation shall be residents of the home.

(8) No more than fifteen percent (15%) of the ground floor area may be used in the home occupation.

(9) There shall be no signs advertising the property as a day care facility.

(iii) Height regulation. No townhouse structure shall exceed three (3) stories or thirty-five feet (35') in height. No accessory structure shall exceed two (2) stories or twenty-five feet (25') in height.

(iv) Open space. Minimum open space shall be computed at forty percent (40%) of the total area to be developed for townhouse purpose.

(v) Parking facilities. Insofar as practical, off-street parking shall be grouped in bays in the interior of the project area. No off-street parking space shall be more than one hundred feet (100'), by the more direct pedestrian route, from a door of the dwelling unit it is intended to serve. Two (2) parking spaces shall be provided for each dwelling unit. Unless specifically provided, no parking space shall be arranged so as to allow backing upon a public street.

(vi) Maintenance of private streets and utilities, open spaces and common areas. Provisions for the maintenance of all private streets and utilities, and open spaces not platted as individual lots shall be included in the deed restrictions of the property. Individual utility, connections shall be provided to each townhouse dwelling unit.

(vii) Procedure for approval. The board of zoning appeals may make other reasonable requirements for information when necessary.

Upon receiving a properly submitted and prepared site plan, the building inspector, acting on behalf of the board of zoning appeals, shall refer the site plan to the planning commission of their review and recommendations.

The planning commission shall review the site plan of the proposed development and shall make recommendations to the board of zoning appeals, provided that any such recommendations shall be made within a maximum of thirty-five (35) days from the date first reviewed by the planning commission.

The board of zoning appeals, having received the recommendation of the planning commission, or in the event that recommendations are not received from the planning commission within thirty-five (35) days from the date first received by the planning commission, shall act upon the request for special exception in accordance with the procedures set forth in § 14-904, and may prescribe appropriate conditions and safeguard as authorized therein.

(viii) Relationship to the subdivision regulations. At the time an application is made for site plan approval of a townhouse development, the developer must also make application for preliminary approval of the subdivision plat. This is necessary since land is to be subdivided, and, in some cases, streets are to be dedicated. Both the site plan and the preliminary plat should be considered simultaneously. The site plan should form the sole basis for granting modifications with respect to subdivision regulations. The final subdivision plat may be submitted to the planning commission on all or any portion of a development in accordance with final plat requirements of the subdivision regulations.

(3) Uses prohibited. Any other use or structure not specifically permitted or permissible on appeal in this section is prohibited.

(4) Location of accessory buildings. (a) No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty percent (30%) of any required rear yard, and shall be at least five feet (5') from all lot lines and from any other building on the same lot.

(b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

(5) Regulations controlling lot area, lot width, yards, building coverage, and building height. The principal building shall be located so as to comply with the following requirements:

- (a) Minimum required lot area.
  - (i) Dwelling units-single, two-family 7,500 sq. ft. for the first dwelling unit plus 3,500 sq. ft. for the second additional dwelling unit.
  - (ii) Churches One (1) acre or 200 sq. ft. of lot area per auditorium seat, whichever is greater
  - (iii) Schools Five (5) acres plus one (1) acre for each 100 students
  - (iv) Other uses As required by the board of appeals.
- (b) Minimum required lot width at the building line.
  - (i) Dwellings and apartments 50 feet
  - (ii) Churches 100 feet
  - (iii) Other uses As required by the board of appeals.
- (c) Minimum required front yard.



- (i) Dwellings and apartments 25 feet
  - (ii) Churches 30 feet
  - (iii) Other uses 30 feet or more as required by the board of appeals.
- (d) Minimum required rear yard.
  - (i) Dwellings 20 feet
  - (ii) Churches 25 feet
  - (iii) Other uses 15 feet or more as required by the board of appeals.
- (e) Minimum required side yard on each side of lot.
  - (i) Dwellings and apartments 7 feet
  - (ii) Churches 25 feet
  - (iii) Other uses 10 feet or more as required by the board of appeals
- (f) Minimum required side yards for side facing streets on corner lots. 25 feet
- (g) Maximum lot coverage by all buildings.
  - (i) Dwellings, apartments and accessories 35%
  - (ii) Churches 30%
  - (iii) Other uses As required by the board of appeals
- (h) Maximum permitted height of structures.
  - (i) No building shall exceed three (3) stories or thirty-five feet (35') in height unless each side yard is increased over the required minimum by five feet (5') for every five feet (5'), or fraction thereof, of additional height over thirty-five feet (35'), not to exceed sixty-five feet (65'), however;
  - (ii) On a lot less than fifty feet (50') in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five feet (25') in height.
  - (iii) No accessory building shall exceed two (2) stories in height.
  - (iv) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this chapter provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten feet (10') from the nearest property line.

(6) Site plan review. Prior to issuance of a building permit for any use except single-family dwellings and duplexes on single lots, a site plan for the use and development of the entire tract shall be submitted to the planning commission and Humboldt Utilities. The site plan shall conform to the requirements provided in § 14-222. (1980 Code, § 11-302, as amended by Ord. #83-4, Aug. 1983, Ord. #96-2, June 1996, Ord. #97-2, Aug. 1997, and Ord. #2000-08, March 2001, replaced by Ord. #2010-01, Jan. 2010, and amended by Ord. #2014-04, June 2014)

**14-303. R-3 (High Density Residential) Districts.** Within the R-3 (High Density Residential) Districts, as shown on the zoning map of Humboldt, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Single, multi-family dwellings and apartments.

(b) Townhouses. Provided that the site plans are reviewed and approved by the planning commission. The planning commission shall have the power to require screening adjacent uses, adequate parking, access for fire protection, and service vehicles, and to assure that the maximum density standards are met.

(c) Accessory buildings customarily incidental to any aforementioned permitted use.

(d) Real estate signs advertising the sale, rental, or leasing of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least fifteen feet (15') from all lot lines.

(2) Uses permissible on appeal. (a) Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, funeral homes provided they are located on a street of at least a collector classification, and railroad rights-of-way shall be permitted as a matter of right, provided however, that the provisions of this section are observed and subject to approval of the site plans by the board of zoning appeals. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this section, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

(b) The board of zoning appeals may at its discretion permit county, state or federal uses, public utilities facilities, cemeteries, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, customary general farming

uses, gardens and buildings incidental thereto, but not including animal or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the district in which the proposed use is located.

(c) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

(i) The proposed use shall be located and conducted in the principal building only;

(ii) The principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;

(iii) Not more than fifteen percent (15%) of the total floor area in a dwelling unit shall be devoted to the proposed use;

(iv) The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

(v) No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public way;

(vi) The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;

(vii) The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.

(d) Mobile home parks. Provided all provisions of the mobile home park ordinance are met.

(e) Family day care homes may be permitted by the board of zoning appeals as home occupations subject to the requirements of § 14-303(2)(c), and submission of a site plan, except that the board may waive any site plan requirements it deems unnecessary for its review. The approval of the required site plan may be subject to such conditions as the board of zoning appeals may require in order to protect the children and to preserve and protect the character of the district in which the proposed use is to be located. At a minimum, the day care operations approved shall meet the following additional requirements:

(3) Uses prohibited. Any other use or structure not specifically permitted or permissible on appeal in this section is prohibited.

(4) Location of accessory buildings. (a) No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty percent (30%) of any required rear yard, and shall be at least five feet (5') from all lot lines and from any other building on the same lot.

(b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

(5) Regulations controlling lot area, lot width, yards, building coverage, and building height. The principal building shall be located so as to comply with the following requirements:

- (a) Minimum required lot area:
  - (i) Dwelling units-single, and multiple family      5,000 sq. ft. for the first dwelling unit plus 2,500 sq. ft. for each additional dwelling unit.
  - (ii) Apartments      10,000 sq. ft. for the first five (5) units plus 1,000 sq. ft. for each additional unit.
  - (iii) Townhouses      1,400 sq. ft. for any unit, provided, however, the overall density for the entire development shall be no lower than 2,000 sq. ft. per unit.
  - (iv) Churches      20,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat, whichever is greater.
  - (v) Schools      Five (5) acres plus one (1) acre for each 100 students.
  - (vi) Other uses      As required by the board of appeals.
- (b) Minimum required lot width at the building line.
  - (i) Dwellings and apartments      50 feet
  - (ii) Townhouses      none
  - (iii) Churches      As required by the board of appeals
- (c) Minimum required front yard.
  - (i) Dwellings and apartments      25 feet
  - (ii) Townhouses      20 feet
  - (iii) Churches      25 feet

- (iv) Other uses 25 feet or more as required by the board of appeals
- (d) Minimum required rear yard.
  - (i) Dwelling and apartments 15 feet
  - (ii) Townhouses 15 feet
  - (iii) Churches 20 feet
  - (iv) Other uses 15 feet or more as required by the board of appeals
- (e) Minimum required side yard on each side of lot.
  - (i) Dwellings and apartments 5 feet
  - (ii) Townhouses None on side with townhouse common wall, 7 feet in all other cases.
  - (iii) Churches 20 feet
  - (iv) Other uses 10 feet or more as required by the board of appeals
- (f) Minimum required side yards for side facing streets on corner lots.
  - All uses 20 feet
- (g) Maximum lot coverage by all buildings.
  - (i) Dwellings and apartments 40%
  - (ii) Townhouses 60%
  - (iii) Churches 35%
  - (iv) Other uses As required by the board of appeals
- (h) Maximum permitted height of structures.
  - (i) No building shall exceed three (3) stories or thirty-five feet (35') in height unless each side yard is increased over the required minimum by five feet (5') for every five feet (5'), or fraction thereof, of additional height over thirty-five feet (35'), not to exceed sixty-five feet (65'), however;
  - (ii) On a lot less than fifty feet (50') in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five feet (25') in height.
  - (iii) No accessory building shall exceed two (2) stories in height.
  - (iv) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and

provided that they are located a distance equal to their own height plus ten feet (10') from the nearest property line.

(6) Site plan review. Prior to issuance of a building permit for any use except single-family dwellings and duplexes on single lots, a site plan for the use and development of the entire tract shall be submitted to the planning commission and Humboldt Utilities. The site plan shall conform to the requirements provided in § 14-222. (1980 Code, § 11-303, as amended by Ord. #96-2, June 1996, Ord. #96-4, June 1996, Ord. #97-2, Aug. 1997, and Ord. #2000-08, March 2001, as replaced by Ord. #2010-01, Jan. 2010)

**14-304. R-4 (Residential - Professional) Districts.** Within the R-4 (Residential-Professional) Districts, as shown on the zoning map of Humboldt, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Single and multi-family dwellings and apartments, not mobile homes.

(b) Townhouses.

(c) Accessory buildings customarily incidental to any aforementioned permitted use.

(d) Real estate signs advertising the sale, rental, or leasing of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least fifteen feet (15') from all lot lines.

(2) Uses permissible on appeal. (a) Clinics (outpatient), drug stores, professional and business offices and services, florist and flower shops, beauty and barber shops, special training schools, professional membership organizations, churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, funeral homes provided they are located on a street of at least a collector classification, and railroad rights-of-way shall be permitted as a matter of right, provided however, that the provisions of this section are observed and subject to approval of the site plans by the board of zoning appeals. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this section, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

(b) The board of zoning appeals may at its discretion permit county, state or federal uses, public utilities facilities, cemeteries, philanthropic institutions and clubs, except a club the chief activity of

which is customarily carried on as a business, customary general farming uses, gardens and buildings incidental thereto, but not including commercial animal or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the district in which the proposed use is located.

(c) Customary incidental home occupations provided that no building permit or certification of occupancy for such use shall be issued without the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

(i) The proposed use shall be located and conducted in the principal building only;

(ii) The principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;

(iii) Not more than fifteen percent (15%) of the total floor area in a dwelling unit shall be devoted to the proposed use;

(iv) The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

(v) No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public way;

(vi) The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located.

(d) Family day care homes may not be permitted by the board of zoning appeals as home occupations subject to the requirements of § 14-304(2)(c), and submission of a site plan, except that the board may waive any site plan requirements it deems unnecessary for its review. The approval of the required site plan may be subject to such conditions as the board of zoning appeals may require in order to protect the children and to preserve and protect the character of the district in which the proposed use is to be located. At a minimum, the day care operations approved shall meet the following additional requirements:

(i) Minimum required lot area.

(A) Family day care home -- 6,000 square feet.

(ii) Minimum required fenced play area.

(A) Family day care home--1,400 square feet.

(iii) The board of zoning appeals shall also specifically address the need for set back of fenced play area and buffering of

the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.

(iv) All outdoor play activities shall be conducted within the fenced play area.

(v) The family day care home facility maintenance and operation shall meet the requirements of the Tennessee Department of Human Services.

(vi) The family day care home shall be conducted in single-family residences only, not to include mobile homes. Accessory structures may not be used for day care facilities.

(vii) All persons engaged in the family day care home operation shall be residents of the home.

(viii) No more than fifteen percent (15%) of the ground floor area may be used in the home occupation.

(ix) There shall be no signs advertising the property as a day care facility.

(3) Uses prohibited. Any other use or structure not specifically permitted or permissible on appeal in this section is prohibited.

(4) Location of accessory buildings. (a) No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty percent (30%) of any required rear yard, and shall be at least five feet (5') from all lot lines and from any other building on the same lot.

(b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

(5) Regulations controlling lot area, lot width, yards, building coverage, and building height. The principal building shall be located so as to comply with the following requirements:

- (a) Minimum required lot area.
  - (i) Dwelling units-single and multiple family 6,000 sq. ft. for the first dwelling unit plus 3,500 sq. ft. for each additional unit.
  - (ii) Apartments 10,000 sq. ft. for the first five (5) units plus 1,500 sq. ft. for each additional unit.
  - (iii) Townhouses 1,400 sq. ft. for any unit, provided, however, the overall density shall be no lower than 2,000 sq. ft. per unit.



- |       |  |   |
|-------|--|---|
| (iv)  | Other uses   | As required by the board of appeals.                      |
| (b)   | Minimum required lot width at the building line.   |   |
| (i)   | Dwellings and apartments   | 50 feet   |
| (ii)  | Townhouses   | none  |
| (iii) | Other uses   | As required by the board of appeals.                      |
| (c)   | Minimum required front yard.   |   |
|       | All uses   | 30 feet   |
| (d)   | Minimum required rear yard.  |   |
|       | All uses   | 15 feet   |
| (e)   | Minimum required side yard.  |   |
| (i)   | Dwellings and apartments   | 7 feet  |
| (ii)  | Townhouses   | None on side with common wall, 7 feet in all other cases. |
| (f)   | Minimum required side yards for side facing streets on corner lots.  |   |
|       | All uses   | 30 feet   |
| (g)   | Maximum lot coverage by all buildings.   |   |
| (i)   | Dwellings and accessories  | 40%   |
| (ii)  | Townhouses   | 60%   |
| (iii) | Other uses   | As required by the board of appeals.                      |
| (h)   | Maximum permitted height of structures.  |   |
| (i)   | No building shall exceed three (3) stories or thirty-five feet (35') in height unless each side yard is increased over the required minimum by five feet (5') for every five feet (5'), or fraction thereof, of additional height over thirty-five feet (35').   |   |
| (ii)  | On a lot less than fifty feet (50') in width at the building line no building shall exceed one and one-half (1 1/2) stories of twenty-five feet (25') in height.   |   |
| (iii) | No accessory building shall exceed two (2) stories or twenty-five feet (25') in height.  |   |
| (iv)  | Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this section provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten feet (10') from the nearest property line. |   |

(6) Site plan review. Prior to issuance of a building permit for any use except single-family dwellings and duplexes on single lots, a site plan for the use and development of the entire tract shall be submitted to the planning commission and Humboldt Utilities. The site plan shall conform to the requirements provided within § 14-222. (1980 Code, § 11-304, as amended by Ord. #96-2, June 1996, Ord. #97-2, Aug. 1997, Ord. #2000-08, March 2001, Ord. #2006-01, May 2006, and replaced by Ord. #2010-01, Jan. 2010)

**14-305. PRD (Planned Residential) District.** The purpose of this section is to provide for greater flexibility in the development of residential districts. Within any residential districts as shown on the Zoning Map of Humboldt, Tennessee, the following regulations shall apply if a developer chooses to utilize a Planned Residential District.

(1) Definitions. (a) "Base zoning district." The zoning of the property prior to the establishment of the PRD.

(b) "Conditional zoning." The attachment of special conditions to a rezoning which are not spelled out in the text of the ordinance. Along with the devices to insure compliance, it may bind the developer to the conditions through filing a covenant.

(c) "Covenant." A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded. They can be used in rezoning restrictions to bond the land owner to use his property in a specific manner.

(d) "Density." The number of dwelling units permitted in a development.

(e) "Gross land area." All of the land area involved in the PRD.

(f) "Flexible regulations." Regulations which apply general standards to property with final decisions made shortly before development occurs. This has been a long-standing practice under subdivision regulations and increasingly is being applied under zoning. The intent is to widen the range of options available to developers and thereby lead to a better design. They recognize that the appropriate use for every parcel cannot be predetermined, as a result, policies and criteria for decision making are established often through performance standards, rather than specified uses and standards. Under most flexible techniques public officials or bodies have discretion in their decisions and frequently negotiate with developers before final approval is given. Thus, while development options are broad, development permission, once granted may be quite narrow. Among flexible zoning devices are floating zones, overlay zones, and PRDs.

(g) "Floating zone." A zoning district whose requirements are fully described in the text of the ordinance but which is unmapped. It is "anchored" to the land in response to an applicant's petition for a

rezoning, almost invariable through legislative action. The new zoning description then replaces the previous designation.

(h) "Net land area." The gross land area minus the area set aside for streets, drives, and parking.

(i) "PRD." Planned Residential Development.

(j) "Site plan." A plan drawn to scale showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes at a minimum, lot line, streets, building sites, reserved open space, buildings, topography, location of existing and proposed utility lines, and etc.

(k) "Zero lot line." A development approach in which a building is sited on one (1) or more lot lines with no yard. It is possible for three (3) or four (4) sides of the building to be on the lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot.

(2) Uses permitted. (a) All residential uses are permitted in the PRD subject to the approval of the city board of aldermen. Each development proposal shall be evaluated on its own merits, and no PRD shall be considered as setting a precedent. The applicant shall submit the intended residential use to the city board of aldermen and they shall determine if it is appropriate for the area. No residential uses are excluded from consideration. No uses are permitted outright, and are subject to review and prior approval. The city board of aldermen may require a deed covenant to enforce the approved use.

(b) Churches, schools, parks, playgrounds, and community buildings.

(c) Accessory uses and buildings customarily incidental and subordinate to the above.

(3) Area regulations. (a) Minimum PRD area. The minimum size of a parcel of land submitted for consideration as a PRD shall be two (2) acres.

(b) Required yard areas. The regulations governing the base zoning district shall apply for all yard requirements. The city board of aldermen may permit zero lot lines.

(c) Lot width. (i) For all residential uses there shall be a minimum lot width of sixty feet (60') at the front building line. Lot widths for single family attached dwellings shall be determined on the site plan and may be narrower than the minimum allowed width.

(ii) All other uses shall have a minimum lot width of one hundred feet (100') at the front building line.

(d) Density. (i) The number of dwelling units permitted in the PRD shall be determined by the following formula:

- A = Gross land area.
- B = Fifteen percent (15%) of land area for parking, streets, and drives.
- C = Net land area.
- D = Lot area requirements for single family dwellings from the base zoning district.
- N = Number of dwelling units permitted.

$$A \times .15 = B$$

$$A - B = C$$

$$C/D = N$$

- (ii) All other uses shall be governed by the regulations established for the base zoning district.
- (c) Maximum area coverage. A maximum of forty percent (40%) of the gross land area can be covered by structures, parking and drives.
- (4) Height regulations. No building shall exceed three (3) stories or thirty-five feet (35') in height.
- (5) Off-street parking. (a) There shall be three (3) spaces for each dwelling unit.
  - (b) Other uses shall be governed by § 14-308.
- (6) Screening and landscaping. (a) A minimum of sixty percent (60%) of the total land area shall be set aside as open space devoted to planting, patios, walkways, and recreation areas.
  - (b) All open space areas shall be landscaped as approved by the city board of aldermen.
  - (c) All fencing shall be of a wood or masonry material.
- (7) Administrative procedures for planned residential development. In establishing a Planned Residential Development District in accordance with this section the following shall be required:
  - (a) Pre-submission conference with the planning staff;
  - (b) Compliance with chapter 11 of the zoning ordinance;
  - (c) A comprehensive site plan containing the following:
    - (i) Name of the development;
    - (ii) Name and address of developer;
    - (iii) Name, address and telephone number of designer;
    - (iv) Date, north arrow, and scale;
    - (v) Location of existing property lines, streets, buildings, easements, and utility lines;
    - (vi) Location and dimensions of proposed streets, easement utilities, structure and lot lines;
    - (vii) Proposed land uses and their locations;
    - (viii) Off-street parking;
    - (ix) Recreational areas;

- (x) Existing and finished contours;
- (xi) Any other information as may be required by the planning staff.
- (d) Architectural elevations;
- (e) Drainage plan;
- (f) Landscape plan;
- (g) Restrictive covenants;
- (h) Homeowner association agreements and bylaws.

(8) Every planned residential development district approved under these provisions shall be considered as an amendment to the zoning ordinance. In approving the PRD district the city board of aldermen may impose conditions relative to the standard of development. Those conditions shall be complied with before a building permit or certificates of occupancy is issued for the use of the land and/or any structure which is part of the said district and such conditions shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a building permit and/or certificate of occupancy.

(9) All PRDs approved in accordance with the provisions of this chapter in its original form or by subsequent amendment shall be references on the official zoning map.

(10) If favorable action is taken by the city board of aldermen on the petition for rezoning, the developer shall have one (1) year after the effective date of the PRD district rezoning to start construction. If construction has not been started in that time period the developer has one (1) month from the end of the year period to submit the PRD for re-approval. If the developer does not resubmit the PRD, the property shall automatically revert to the original zoning classification.

(11) Any unauthorized deviation from the approved site plan shall constitute a violation of the building permit authorizing construction of the development. In such cases where revisions would constitute a minor change in the site plan, the planning commission shall have the authority to authorize such changes. In all instances where a substantial change is requested or where there is any question of the magnitude or consequence of the proposed revision, such revisions shall be submitted to the planning commission and city board of aldermen for approval. (Ord. # 88-7, Sept. 1988, as amended by Ord. #2000-08, March 2001, and replaced by Ord. #2010-01, Jan. 2010)

## CHAPTER 4

### PROVISIONS GOVERNING BUSINESS DISTRICTS

#### SECTION

- 14-401. B-1 (Neighborhood Business) Districts.
- 14-402. B-2 (General Business) Districts.
- 14-403. B-3 (Central Business) District.
- 14-404. H-M (Hospital Medical) Districts.

**14-401. B-1 (Neighborhood Business) Districts.** Within the B-1 (Neighborhood Business) District as shown on the zoning map of Humboldt, Tennessee, the following regulations shall apply:

- (1) Uses permitted. (a) Retail sales; bakery and dairy products; drugs and pharmaceuticals; florist shops; gift shops; book stores; groceries; hardware; hobby shops; camera shops; and retail package liquor stores.
  - (b) Services: banks; savings and loan associations; barber shops; beauty shops; funeral homes; clinics; automobile service stations; laundry and dry cleaning pick up stations and self service laundry and dry cleaning facilities; medical offices; radio and television sales and service; shoe repair, restaurants.
  - (c) Churches; and, federal, state, and municipal uses.
  - (d) Advertising signs and advertising structures or lights for illuminating signs or buildings, provided they shall not be placed within the street right-of-way, nor shall they be beacon type. Portable structures with flashing lights are permissible, but there shall be no rotating light on such portable structure, nor shall there be any flashing lights on a portable structure that are red and such portable structures with flashing lights shall not be within fifty feet (50') of any street intersections and shall otherwise be in accordance with state law.
  - (e) Any accessory use or building customarily incidental to the above permitted uses.
- (2) Uses permitted on appeal. Any other use which in the opinion of the board of zoning appeals is similar in character and not detrimental to the neighborhood may be permitted on appeal.
- (3) Uses prohibited. Any use not specifically permitted or permitted on appeal in this section is prohibited.
- (4) Regulations controlling lot area, lot width, yards, building coverage, and building height.
  - (a) Minimum required lot area:
    - (i) Churches 15,000 sq. ft. or 200 sq. ft. of lot area per auditorium seating space whichever is greater.
    - (ii) Other uses No minimum requirements.

- (b) Minimum required lot width at building line:
  - (i) Gasoline service 120 feet
  - (ii) Churches 60 feet
  - (iii) Other uses No minimum requirements.
- (c) Minimum required front yard:
  - (i) Gasoline service stations 25 feet
  - (ii) Churches 30 feet
  - (iii) Other uses 25 feet
- (d) Minimum required rear yard:
  - All uses 20 feet
- (e) Minimum required side yard on each side of lot:
  - (i) Churches 15 feet
  - (ii) Other uses None required, however, if buildings do not have common or adjoining walls there shall be a side yard of at least five feet (5').
  - (iii) On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjoining to the residential district.
- (f) Minimum required side yard for side facing street on corner lots -- 30 feet.
- (g) Installations essential to the business operation may be required to set back a greater distance from the street or alley so that any service rendered by the business will not obstruct any public way. This determination is to be made by the building inspector.
- (h) Maximum permitted height of structures:
  - (i) No building shall exceed three (3) stories or thirty-five feet (35') in height unless each side yard is increased over the required minimum by five feet (5') for every five feet (5'), or fraction thereof, of additional height over thirty-five feet (35'), not to exceed sixty-five feet (65'), however.
  - (ii) On a lot less than fifty feet (50') in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five feet (25') in height.
  - (iii) No accessory building shall exceed two (2) stories in height.
  - (iv) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this section provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten feet (10') from the nearest property line.

(5) Site plan review. Prior to issuance of a building permit, a site plan for the use and development of the entire tract shall be submitted to the planning commission and Humboldt Utilities. The site plan shall conform to the requirements provided in § 14-222. (1980 Code, § 11-401, as amended by Ord. #84-12, Dec. 1984, Ord. #85-2, June 1985, Ord. #96-2, June 1996, and Ord. #2000-08, March 2001, and replaced by Ord. #2010-01, Jan. 2010)

**14-402. B-2 (General Business) Districts.** Within the B-2 (General Business) Districts as shown on the zoning map of Humboldt, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Retail Sales: automobile sales; automobile parts; bakery and dairy products; drugs and pharmaceuticals; clinics, florist shops, gift shops; book stores, newspaper stand; groceries, hardware; boats and boating equipment; sporting goods; mobile home sales; paint and wallpaper stores; agricultural implements; furniture; household appliances; floor coverings and draperies; and nursery and greenhouses; beverage stores; and retail package liquor stores.

(b) Services: automobile repair; animal hospital or veterinarian clinic; commercial recreation; banks; savings and loan associations; barber and beauty shops; funeral homes; automobile service stations; laundry and dry cleaning establishments; business and professional offices; radio and television sales and service; shoe repair, motels and hotels; restaurants; trucking terminals; and moving companies.

(c) Manufacturing, processing or fabrication; manufacturing incidental to retail business or service where products are sold on the premises by producers and where not more than ten (10) operatives are employed in such manufacturing.

(d) Churches; and federal, state, and municipal uses. Non-church related group daycare homes and daycare centers subject to the following:

- (i) Minimum required lot area:
  - (A) Day care center 30,000 square feet.
  - (B) Group day care home 12,000 square feet.
- (ii) Minimum required fenced play area:
  - (A) Day care center 4,000 square feet plus 200 square feet per planned child capacity over 20 children.
  - (B) Group day care home 2,400 square feet.

(iii) The planning commission shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.



(iv) If a lower level of day care operation is proposed to be expanded to a higher level of day care operation, the new day care operation shall need a new approval of use and site plan by the planning commission, and shall be subject to appropriate regulations.

(v) All outdoor play activities shall be conducted within the fenced play area.

(vi) The day care facilities, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services.

(e) Advertising signs and advertising structures or lights for illuminating signs or buildings, provided they shall not be placed within the street right-of-way, nor shall they be beacon type. Portable structures with flashing lights are permissible, but there shall be no rotating light on such portable structure, nor shall there be any flashing lights on a portable structure that are red and such portable structures with flashing lights shall not be within fifty feet (50') of any street intersections and shall otherwise be in accordance with state law.

(f) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses permitted on appeal. (a) Any other use which in the opinion of the board of zoning appeals is similar in character and not detrimental to the neighborhood.

(3) Uses prohibited. Any use not specifically permitted or permitted on appeal in this section is prohibited.

(4) Regulations controlling lot area, lot width, yards, building coverage, and building height.

(a) Minimum required lot area:

- (i) Churches 15,000 sq. ft. or 200 sq. ft. of lot area per auditorium seating space whichever is greater.
- (ii) Other uses No minimum requirement.

(b) Minimum required lot width at building line:

- (i) Gasoline service station 120 feet
- (ii) Churches 100 feet
- (iii) Other uses No minimum requirement.

(c) Minimum required front yard:

All uses 25 feet

(d) Minimum required rear yard:

All uses 7 feet

(e) Minimum required side yard on each side of lot:

- (i) Churches 25 feet

(ii) Other uses None required, however, if buildings do not have common or adjoining walls, there shall be a side yard of at least five feet (5').

(iii) On lots adjoining a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the residential district.

(f) Minimum required side yard for side facing street on corner lots--twenty-five feet (25').

(g) Installations essential to the business operation may be required to set back a greater distance from the street or alley so that any service rendered by the business will not obstruct any public way. This determination is to be made by the building inspector.

(h) Maximum permitted height of structures:

(i) No building shall exceed three (3) stories or thirty-five feet (35') in height unless each side yard is increased over the required minimum by five feet (5') for every five feet (5'), or fraction thereof, of additional height over thirty-five feet (35'), not to exceed sixty-five feet (65'), however.

(ii) On a lot less than fifty feet (50') in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five feet (25') in height.

(iii) No accessory building shall exceed two (2) stories in height.

(iv) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this section provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten feet (10') from the nearest property line.

(5) Site plan review. Prior to issuance of a building permit, a site plan for the use and development of the entire tract shall be submitted to the planning commission and Humboldt Utilities. The site plan shall conform to the requirements provided in § 14-222. (1980 Code, § 11-402, as amended by Ord. #84-12, Dec. 1984, Ord. # 85-2, June 1985, Ord. #96-2, June 1996, Ord. #97-2, Aug. 1997, and Ord. #2000-08, March 2001, and replaced by Ord. #2010-01, Jan. 2010)

**14-403. B-3 (Central Business) District.** Within the B-3 (Central Business) District as shown on the zoning map of Humboldt, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Retail sales: bakery and dairy products; drugs and pharmaceuticals; florist shops; gift shops; book stores; groceries;

hardware; clothing and dry goods; hobby shops; camera shops; sporting goods; paint and wallpaper stores; furniture; household appliances; floor coverings and draperies; hats; shoes; air conditioning equipment; automobile parts; tires; jewelry stores; cloth shops; musical instruments; records and photographs; motorcycle and bicycle sales and service; department stores and general merchandise; and variety stores, automobile service stations, beverage stores, and retail package liquor stores.

(b) Services: banks; savings and loan associations; barber shops; beauty shops; clinic; laundry and dry cleaning pick up stations; self service laundry and dry cleaning; printing; business and professional offices; radio and television sales and service; shoe repair, hotels and motels; restaurants; photography studies; upholstery shops; commercial recreation, movie theaters and billiard parlors; business schools, art and music schools; driving schools; correspondence schools; beauty and barber schools; dancing schools; tailoring and dressmaking; and, watch repair.

(c) Churches, clubs and lodge halls, federal, state, and municipal uses. Non-church related group daycare homes and daycare centers subject to the following:

(i) Minimum required lot area:

- |     |                     |                |
|-----|---------------------|----------------|
| (A) | Day care center     | 30,000 sq. ft. |
| (B) | Group day care home | 12,000 sq. ft. |

(ii) Minimum required fenced play area:

- |     |                     |   |
|-----|---------------------|---|
| (A) | Day care center     | 4,000 sq. ft. plus<br>200 sq. ft. per<br>planned child<br>capacity over 20<br>children. |
| (B) | Group day care home | 2,400 sq. ft.   |

(iii) The planning commission shall also specifically address the need for set back of fenced area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.

(iv) If a lower level of day care operation is proposed to be expanded to a higher level of day care operation, the new day care operation shall need a new approval of use and site plan by the planning commission, and shall be subject to appropriation regulations.

(v) All outdoor play activities shall be conducted within the fenced play area.

(vi) The day care facilities, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services.

(d) Advertising signs and advertising structures or lights for illuminating signs or buildings, provided they shall not be placed within the street right-of-way, nor shall there be beacon type. Portable structures with flashing light are permissible, but there shall be no rotating light on such portable structure, nor shall there be any flashing lights or a portable structure that are red and such portable structures with flashing light shall not be within fifty feet (50') of any street intersections and shall otherwise be in accordance with state law.

(e) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses permitted on appeal. Any other use which in the opinion of the board of zoning appeals is similar in character and not detrimental to the neighborhood may be permitted on appeal.

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal in this section is prohibited.

(4) Regulations controlling lot area, lot width, yards building coverage, and building height. No minimum requirements.

(5) Site plan review. Prior to issuance of a building permit, a site plan for the use and development of the entire tract shall be submitted to the planning commission and Humboldt Utilities. The site plan shall conform to the requirements provided in § 14-222. (1980 Code, § 11-403, as amended by Ord. #84-12, Dec. 1984, Ord. # 85-2, June 1985, Ord. #96-2, June 1996, Ord. #97-2, Aug. 1997, and Ord. #2000-08, March 2001, and replaced by Ord. #2010-01, Jan. 2010)

**14-404. H-M (Hospital Medical) Districts.** Within the H-M (Hospital Medical) Districts as shown on the zoning map of Humboldt, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Hospitals for human care, offices, or clinics for medical or dental practice, clinical laboratories and public health administration office, medical and other technical services related to human care.

(b) Pharmacies devoted to the preparation and retailing of drugs, medicines, and surgical and orthopedic supplies.

(c) Living quarters for doctors, nurses, and interns.

(d) Nursing, convalescent, and rest homes.

(e) Any use customarily incidental to the above permitted uses.

(2) Permitted accessory uses. The sale of food, beverages, periodicals, and tobacco will not be permitted except for the convenience of the employees, patients and visitors within each hospital, clinic, or office building, and provided that any advertising of such sales shall be confined to the interior of the building and shall not be visible from the outside of such buildings. Access to any room or enclosure set aside for such sales shall be from the interior of the building only.

- (3) Uses permitted on appeal. None.
- (4) Prohibited uses. Any use not specifically permitted in this section is permitted.
- (5) Regulations controlling lot area, lot width, yards, building coverage and building height.
- (a) Minimum required lot area:
    - (i) Hospitals 5 acres.
    - (ii) Other uses None.
  - (b) Minimum required lot width at building line:
    - All uses None.
  - (c) Minimum required front yard:
    - All uses 40 feet.
  - (d) Minimum required rear yard:
    - All uses 30 feet.
  - (e) Minimum required side yard on each side of lot:
    - (i) All uses None required, however, if buildings do not have common or adjoining

**Missing text?**

- (i) No building shall exceed three (3) stories or thirty-five feet (35') in height unless each side yard is increased over the required minimum by five feet (5') for every five feet (5'), or fraction thereof, of additional height over thirty-five feet (35'), not to exceed sixty-five feet (65'), however.
  - (ii) On a lot less than fifty feet (50') in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five feet (25') in height.
  - (iii) No accessory building shall exceed two (2) stories in height.
  - (iv) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this section provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten feet (10') from the nearest property line.
- (6) Site plan review. Prior to issuance of a building permit, a site plan for the use and development of the entire tract shall be submitted to the planning commission and Humboldt Utilities. The site plan shall conform to the requirements provided in § 14-222. (1980 Code, § 11-404, as amended by Ord. #96-2, June 1996, and Ord. #2000-08, March 2001, and replaced by Ord. #2010-01, Jan. 2010)

## CHAPTER 5

### PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

#### SECTION

14-501. M-1 (Light Industrial) Districts.

14-502. M-2 (Heavy Industrial) Districts.

**14-501. M-1 (Light Industrial) Districts.** Within the M-1 (Light Industrial) districts as shown on the zoning map of Humboldt, Tennessee, the following regulations shall apply:

(1) Site plan prerequisite to approval (procedures). Prior to issuance of a building permit, a site plan for the use and development of the entire tract shall be submitted to the planning commission and Humboldt Utilities. The site plan shall conform to the requirements provided within § 14-222.

(2) Uses permitted. (a) Retail and wholesale sales; automobile sales and service; automobile parts; agricultural implement sales and service; lawn mower sales and service; lumber and building materials; paint; mobile home sales and service; boats and boating equipment sales and service; sporting goods; greenhouse and nursery products; hardware; motorcycle sales and service; and welding supplies.

(b) Services: animal hospital and clinics; automobile service stations; auto repair garages; truck stops; barber shops; beauty shops; laundry and dry cleaning; restaurants; truck terminals; printing; tire repair and recapping; pest extermination; sign shop; upholstery shops; plumbing and heating supply; outdoor advertising signs and structures; sheet metal shops and warehousing, including wholesale sales which are predominantly an enclosed warehouse operation but not including gravel, sand, fertilizers, or other nuisance producing goods.

(c) Manufacturing, processing or fabrication; canned or preserved fruits or vegetables; bakery products; bottling plants; candy and confectioneries; apparel and other finished products made from fabrics; drugs; footwear, except rubber; leather gloves and mittens; luggage goods, glass products, made of purchased glass; communication equipment; electronic components and accessories; professional, scientific and controlling instruments; photographic and optical goods; watches and clocks; and jewelry, silverware and plated ware.

(d) Federal, state and municipal uses.

(e) Research laboratories.

(f) Accessory use customarily incidental to any aforementioned permitted use.

(3) Uses permitted on appeal. Any other use which, in the opinion of the board of zoning appeals, is similar in character to those enumerated in subsection two (2) of this section and will not be detrimental to the district in

which located, subject to such conditions and safeguards as may be required by the board of zoning appeals.

(4) Uses prohibited. Any use not specifically permitted or permissible on appeal in this section is prohibited.

(5) Regulations controlling yards and building height.

(a) Minimum required lot area      None

(b) Minimum required front yard.  
All uses                                      35 feet

(c) Minimum required rear yard.  
All uses                                      25 feet

(d) Minimum required side yard on each side of lot.  
All uses                                      25 feet, except on lots adjacent to a residential district all buildings shall be located so as to comply with the side yard requirement of adjacent residential district on the side adjacent to the residential district.

(e) Notwithstanding the above provision no yard will be required for that part of a lot which fronts on a railroad siding.

(f) Maximum permitted height of structures.

(i) No building shall exceed four (4) stories or forty feet (40') in height.

(ii) Free standing poles, spires, towers, antennae and similar structures may exceed the height provisions of all other codes and ordinances and provided that they are located a distance equal to their own height plus ten feet (10') from the nearest property line. (1980 Code, § 11-501, as amended by Ord. #96-2, June 1996, and Ord. #2000-08, March 2001, and replaced by Ord. #2010-01, Jan. 2010)

**14-502. M-2 (Heavy Industrial) Districts.** Within the M-2 (Heavy Industrial) District, as shown on the zoning map of Humboldt, Tennessee, the following regulations shall apply:

(1) Site plan review. (a) Prior to issuance of a building permit, a site plan for the use and development of the entire tract shall be submitted to the planning commission and Humboldt Utilities. The site plan shall conform to the requirements provided with § 14-222.

(2) Uses permitted. (a) Retail and wholesale sales: agricultural implement sales and service; lumber and building materials; paint; mobile home sales and services; boats and boating equipment sales and

services; sporting goods; greenhouse and nursery products; hardware; motorcycle sales and service; and welding supplies.

(b) Services: animal clinics and hospitals; automobile service stations; auto repair garages; truck stops; barber shops; beauty shops; laundry and dry cleaning; restaurants; truck terminals; printing; tire repair and recapping; pest extermination; sign shop; upholstery shop; plumbing and heating supply; outdoor advertising signs and structures; sheet metal shops; and warehousing, including wholesale sales.

(c) Manufacturing, processing or fabrication; canned or preserved fruits or vegetables; bakery products; bottling plants; candy and confectioneries; apparel and other finished products made from fabrics; drugs; footwear, except rubber; leather gloves and mittens; luggage, handbags and other personal leather goods; glass products, made of purchased glass; communication equipment; electronic components and accessories; professional, scientific and controlling instruments; photographic and optical goods; watches and clocks and jewelry, silverware and plated ware.

(d) Federal, state and municipal uses.

(e) Research laboratories.

(f) Accessory use customarily incidental to any aforementioned permitted use.

(3) Uses permitted on appeal. (a) Any other use which, in the opinion of the board of zoning appeals, is similar in character to those enumerated in subsection two (2) of this section and will not be detrimental to the district in which it is located, subject to such conditions and safeguards as may be required by the board of zoning appeals.

(b) Any of the following or other similar uses which in the opinion of the board of zoning appeals will be controlled so as not to produce injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust, or other objectionable conditions provided that written approval of the board of zoning appeals is obtained and subject to such conditions as the board may stipulate. Auto wrecking; bag cleaning; boiler and tank works; central mixing plant for cement, mortar, plaster or paving materials; creamery; crematory; curing; metal fabrication plant; quarry; gasoline or oil storage above ground in excess of five hundred (500) gallons; junk, scrap paper, rag storage and baling; sawmills; smelting plant; and the manufacture of acetylene, acid, alcohol, alcoholic beverages, ammonia, bleaching powder, condensed milk; chemicals, brick, pottery, terra cotta or tile, candles, disinfectants, dye stuffs, fertilizers, illuminating or heating gas (or storage of same), linseed oil, paint, oil, turpentine, varnish, soap and tar products; screws and bolts, wire and tires, or any other use which in the opinion of the board of zoning appeals can be controlled so as not to produce injurious or obnoxious noise,



vibrations, smoke, gas fumes, odors, dust or other objectionable conditions, provided that written approval of the board of zoning appeals is obtained and subject to such conditions as the board may stipulate.

(4) Uses prohibited. Any use not specifically permitted or permissible on appeal in this section is prohibited.

(5) Regulations controlling yards and building height.

(a) Minimum required lot area.

All uses                      None

(b) Minimum required front yard.

All uses                      35 feet

(c) Minimum required rear yard.

All uses                      20 feet

(d) Minimum required side yard on each side of lot.

All uses                      10 feet, except on lots adjacent to a residential district; all buildings shall be located so as to comply with the side yard requirement of adjacent residential district on the side adjacent to the residential district.

(e) Notwithstanding the above provision, no yard will be required for that part of a lot which abuts on a railroad siding.

(f) Maximum permitted height of structures.

No building shall exceed five (5) stories or fifty feet (50') in height. (1980 Code, § 11-502, as amended by Ord. #96-2, June 1996, and Ord. #2000-08, March 2001, and replaced by Ord. #2010-01, Jan. 2010)

## CHAPTER 6

### AIRPORT HEIGHT REGULATIONS AND AIRPORT CLEAR ZONE (ACZ) DISTRICT

#### SECTION

- 14-601. Purpose.
- 14-602. Application of regulations.
- 14-603. Airspace obstruction zoning.
- 14-604. Land use safety zoning.
- 14-605. Marking and lighting.

**14-601. Purpose.** The purpose of this district is to establish regulations which will reduce or eliminate hazards to air navigation to minimize or prevent the loss of life, property damage, health and safety hazards, and government expenditures which result from air traffic accidents. (1980 Code, § 11-601, as replaced by Ord. #2010-01, Jan. 2010)

**14-602. Application of regulations.** (1) This district shall overlay land included within the airport hazard zones as shown on the zoning map. The regulations contained in this section shall apply to such land in addition to the regulations contained in the underlying zoning district of such land. Where there is a conflict between the provisions of this section and those of the underlying zoning district, the zone contained the more restrictive height regulations shall apply.

(2) The provisions of this section shall apply to any new use and any substantial improvement to an existing structure, when such uses and structures are located in the airport hazard zones established by this section.

(3) If a structure or tree is located in more than one (1) of the zones established by this section, the zone containing the more restrictive regulations shall apply to such structure or tree. (1980 Code, § 11-602, as replaced by Ord. #2010-01, Jan. 2010)

**14-603. Airspace obstruction zoning.** In order to carry out the purposes of this chapter, the following airspace zones are established, and schematically represented on the airspace obstruction zoning map. Except as otherwise provided in this chapter and except as necessary and incidental to airport operations, no structures or objects of nature growth shall be constructed, altered, maintained, or allowed to grow in any land area created in this section so as to project above any of the imaginary airspace surfaces described in this section. In those cases where an area is covered by more than one (1) height limitation, the more restrictive limitation applies:

(1) **Primary surface area.** The imaginary surface longitudinally centered on a runway extending two hundred feet (200') beyond each end. The

elevation of any point on the primary surface is the same as the elevation of the highest point on the runway centerline. The primary surface land area is that land which is directly below the primary surface.

The width of the primary surface, symmetrical about runway centerline, is:

(a) Five hundred feet (500') from Runway 4/22.

(2) Horizontal zone. All the airspace which lies directly under an imaginary horizontal surface one hundred fifty feet (150') above the established airport elevation, or a height of six hundred fifty feet (650') above mean sea level, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

(a) Five thousand feet (5,000') from Runway 4/22.

The horizontal zone land area is the land which lies directly below the horizontal surface.

(3) Conical zone. All the airspace which lies directly under an imaginary surface extending upward and outward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of four thousand feet (4,000') as measured radially outward from the periphery of the horizontal surface.

The conical zone land area is that land which lies directly beneath the conical surface.

(4) Approach/departure zone. All the airspace which lies directly under an imaginary approach/departure surface longitudinally centered on the extended centerline at each end of the runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface.

(a) The approach/departure surface expands uniformly (flares outwardly) with a width of:

Two thousand feet (2,000') of a horizontal distance of five thousand feet (5,000') from primary surface edge of Runway 4/22.

(b) The approach departure surface inclines upward at a slope of:

20:1 for Runway 4/22.

The approach/departure zone land area is that land which lies directly beneath the approach/departure surface.

(5) Transitional zone. All the airspace which lies directly under an imaginary surface extending upward and outward perpendicular to the runway centerline (and the extended runway centerline) at a slope of 7:1 from the sides of the primary surface and from the side of the approach/departure surface until they intersect the horizontal surface of the conical surface.

The transitional zone land area is that land which lies directly beneath the transitional surface. (1980 Code, § 11-603, as replaced by Ord. #2010-01, Jan. 2010)

**14-604. Land use safety zoning.** (1) Safety zone boundaries. In order to carry out the purpose of this chapter as set forth above and also, in order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Humboldt Municipal Airport, and furthermore to limit population and building density in the critical airport areas, thereby creating sufficient open space so as to protect life and property in case of an accident, there are hereby created and established the following land use safety zones:

(a) Safety Zone A. All land in that portion of the approach zones of a runway, as defined in § 14-603(4) hereof, which extends outward from the end of primary surface a distance equal to:

(i) One thousand feet (1,000') fro runway 4/22.

(b) Safety Zone B. All land in that portion of the approach zones of a runway, as defined in § 14-603(4) hereof, which extends outward from Safety Zone A a distance equal to:

(i) Three thousand feet (3,000') for runway 4/22.

(c) Safety Zone C. All that land which is enclosed within the perimeter of the horizontal zone as defined in § 14-603(2) hereof, and which is not included in Zone A or Zone B. (as added by Ord. #2010-01, Jan. 2010)

**14-605. Marking and lighting.** The owner of any structure or tree which exceeds the height limits established by this section shall permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the owner. (as added by Ord. #2010-01, Jan. 2010)

## CHAPTER 7

### FLOODPLAIN MANAGEMENT ORDINANCE

#### SECTION

- 14-701. Statutory authorization, findings of fact, purpose and objectives.
- 14-702. Definitions.
- 14-703. General provisions.
- 14-704. Administration.
- 14-705. Provisions for flood hazard reduction.
- 14-706. Variance procedures.
- 14-707. Legal status provisions.

**14-701. Statutory authorization, findings of fact, purpose and objectives.**<sup>1</sup> (1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, §§ 13-7-201 through 13-7-210, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Humboldt, Tennessee, Mayor and Aldermen, do ordain as follows:

(2) Findings of fact. (a) The City of Humboldt, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR), ch. 1, section 60.3

(b) Areas of the City of Humboldt, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This ordinance is designed to:

---

<sup>1</sup>Ord. #2007-05, "To incorporate the new model national flood insurance program floodplain"; replaced in its entirety by Ords. #2010-01 and #2010-08.

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(4) Objectives. The objectives of this ordinance are:

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood prone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a floodprone area;

(h) To maintain eligibility for participation in the NFIP. (1980 Code, § 11-701, as replaced by Ord. #2010-01, Jan. 2010, and Ord. #2010-08, Oct. 2010)

**14-702. Definitions.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this ordinance, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage.

(b) Accessory structures shall be designed to have low flood damage potential.

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 400-4128.

(3) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(4) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this ordinance or a request for a variance.

(5) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1-3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(6) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(7) "Area of special flood hazard. See "special flood hazard area."

(8) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

(9) "Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

(10) "Building." See "structure."

(11) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

(12) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate

the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(13) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

(14) "Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

(15) "Exception" means a waiver from the provisions of this ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this ordinance.

(16) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(17) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(18) "Existing structures" See "existing construction."

(19) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(20) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters.

(b) The unusual and rapid accumulation of runoff of surface waters from any source.

(21) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(22) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.



(23) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

(24) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(25) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(26) "Floodplain" or "floodprone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(27) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(28) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(29) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

(30) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

(31) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(32) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

(33) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(34) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(35) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(36) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(37) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee Inventory of Historic Places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the City of Humboldt, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

(38) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(39) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage

devices, which are constructed and operated in accordance with sound engineering practices.

(40) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(41) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(42) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(43) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

(44) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

(45) "National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

(46) "New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(47) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(48) "North American Vertical Datum (NAVD)" means as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

(49) "100-year flood" see "base flood."

(50) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(51) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(52) "Recreational vehicle" means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck;

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(53) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(54) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(55) "Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

(56) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(57) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main

structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(58) "State coordinating agency" the Tennessee Department of Economic and Community Development's Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

(59) "Structure" for purposes of this ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(60) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(61) "Substantial improvement" means:

(a) Any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:

(i) The appraised value of the structure prior to the start of the initial improvement; or

(ii) In the case of substantial damage, the value of the structure prior to the damage occurring.

(b) The term does not, however, include either:

(i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or

(ii) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(62) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(63) "Variance" is a grant of relief from the requirements of this ordinance.

(64) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(65) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (1980 Code, § 11-702, as replaced by Ord. #2010-01, Jan. 2010, and Ord. #2010-08, Oct. 2010)

**14-703. General provisions.** (1) Application. This ordinance shall apply to all areas within the incorporated area of the City of Humboldt, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The Areas of Special Flood Hazard identified on the incorporated areas Gibson County, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) Number 47053CV001A and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47053C0380D, 47053C0381D, 47053C0382D, 47053C0383D, 47053C0384D, 47053C0390D, 47053C0392D, 47053C0395D, 47053C0405D, and 47053C0415D, dated November 5, 2008; the areas of special flood hazard identified on the Madison County, Tennessee, Federal Emergency Management Agency Flood Insurance Study (FIS) Number 47113CV00A and Madison County, Tennessee and incorporated areas (Humboldt) Flood Insurance Rate Map Numbers 47113C0020E and 47113C0040E, dated August 3, 2009, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

(3) Requirement for development permit. A development permit shall be required in conformity with this ordinance prior to the commencement of any development activities.

(4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

(5) Abrogation and greater restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Humboldt, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Humboldt, Tennessee from taking such other lawful actions to prevent or remedy any violation. (1980 Code, § 11-703, as replaced by Ord. #2010-01, Jan. 2010, and Ord. #2010-08, Oct. 2010)

**14-704. Administration.** (1) Designation of ordinance administrator. The building inspector is hereby appointed as the administrator to implement the provisions of this ordinance.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-

residential floodproofed building will meet the floodproofing criteria in § 14-705(1) and (2).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:

(a) Review all development permits to assure that the permit requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 2972, 33 U.S.C. 1334.

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance



Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-704(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 14-704(e).

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-704(2).

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Humboldt, Tennessee FIRM meet the requirements of this ordinance.

(k) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (as added by Ord. #2010-01, Jan. 2010, and replaced by Ord. #2010-08, Oct. 2010)

**14-705. Provisions for flood hazard reduction.** (1) General standards. In all areas of special flood hazard, the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance;

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-705(2);

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood

hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-705(1), are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-702). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-702). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls

substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-704(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-705(2).

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks and subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a

permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-702).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-705(1) and (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(C) The recreational vehicle must meet all the requirements for a new construction.

(e) Standards for subdivisions and other proposed new developed proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (See § 14-705(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-703(2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the City of Humboldt, Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-705(1) and (2).

(4) Standards for areas of special flood hazard zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-703(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principals.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-705(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-703(2), where streams exist, but no base flood data has been

provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-705(1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-702). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-704(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-705(2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the City of Humboldt, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-705(1) and (2). Within approximate A Zones, require that those regulations of § 14-705(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-703(2), are areas designated as shallow flooding areas. These areas have special flood

hazards associated with base flood depths of one to three feet (1-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 14-705(1) and (2) apply:

(a) All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-705(2).

(b) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-704(2).

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(7) Standards for areas protected by flood protection system (A99 Zones). Located within the areas of special flood hazard established in § 14-703(2), are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A99 Zones) all provisions of §§ 14-704 and 14-705 shall apply.

(8) Standards for unmapped streams. Located within the City of Humboldt, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered



professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-704 and 14-705. (as added by Ord. #2010-01, Jan. 2010, and replaced by Ord. #2010-08, Oct. 2010)

**14-706. Variance procedures.** (1) Municipal board of zoning appeals.

(a) Authority. The City of Humboldt, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(b) Procedure. Meetings of the municipal board of zoning appeals shall be held at such times, as the board shall determine. All meetings of the municipal board of zoning appeals shall be open to the public. The municipal board of zoning appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the municipal board of zoning appeals shall be set by the legislative body.

(c) Appeals; how taken. An appeal to the municipal board of zoning appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the municipal board of zoning appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of seventy-five dollars (\$75.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The municipal board of zoning appeals shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by

the administrator or other administrative official in carrying out or enforcement of any provisions of this ordinance.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The City of Humboldt, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this ordinance to preserve the historic character and design of the structure.

(C) In passing upon such applications, the municipal board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this ordinance, the municipal board of zoning appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this ordinance.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-706(1).

(b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00)) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (as added by Ord. #2010-01, Jan. 2010, and replaced by Ord. #2010-08, Oct. 2010)

**14-707. Legal status provisions.** (1) Conflict with other ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Humboldt, Tennessee, the most restrictive shall in all cases apply.

(2) Severability. If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

(3) Effective date. This ordinance shall become effective immediately after its passage, in accordance with the Charter of the City of Humboldt,

Change 1, June 2, 2014

14-100

Tennessee, and the public welfare demanding it. (as added by Ord. #2010-01, Jan. 2010, and replaced by Ord. #2010-08, Oct. 2010)

## CHAPTER 8

### EXCEPTIONS AND MODIFICATIONS

#### SECTION

14-801. Lot of record.

14-802. Front yards.

14-803. Group housing project.

14-804. [Deleted.]

14-805. [Deleted.]

**14-801. Lot of record.** Where the owner of a lot consisting of one (1) or more adjacent lots of official record at the time of the adoption of the provisions of chapters 2 through 12 of this title, does not own sufficient land to enable him to conform to the yard or other requirements hereof, an application may be submitted to the board of zoning appeals for a variance from the terms of chapters 2 through 12 of this title, in accordance with § 14-804. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the board of zoning appeals. (Ord. #92-10, Nov. 1992, as amended by Ord. #95-11, Dec. 1995, and Ord. #97-2, Aug. 1997, and replaced by Ord. #2010-01, Jan. 2010)

**14-802. Front yards.** The front yard requirements of chapters 2 through 12 of this title shall not apply to any lot where the average depth of existing front yards on developed lots, located within the one hundred feet (100') on each side of such lot and within the same block and zoning district and fronting on the same street as such lots, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots. (Ord. #92-10, Nov. 1992, as replaced by Ord. #2010-01, Jan. 2010)

**14-803. Group housing project.** In the case of a group housing project of two (2) or more buildings to be constructed on a plot of ground not subdivided into the customary street and lots, and which will not be subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of chapters 2 through 12 of this title to the individual building units in such housing projects, the application of the terms hereof may be varied by the board of zoning appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and an intensity of land use no higher and a standard of open space no lower than that permitted by chapters 2 through 12 of this title in the district in which the proposed project is to be located. However, in no case shall the board of zoning appeals authorize a use prohibited in the district in which the

project is to be located, or a smaller area per family than the minimum required in such district, or a greater height, or a larger coverage than the requirements of chapters 2 through 9 of this title permit in such district. (Ord. #92-10, Nov. 1992, as amended by Ord. #2007-05, Sept. 2007, and replaced by Ord. #2010-01, Jan. 2010)

**14-804. [Deleted.]** (Ord. #92-10, Nov. 1992, as deleted by Ord. #2010-01, Jan. 2010)

**14-805. [Deleted.]** (Ord. #92-10, Nov. 1992, as deleted by Ord. #2010-01, Jan. 2010)

## CHAPTER 9

### ENFORCEMENT

#### SECTION

14-901. Enforcing officer.

14-902. Building permits and certificates of occupancy.

14-903. Remedies.

14-904. [Deleted.]

**14-901. Enforcing officer.** The provisions of chapters 2 through 12 of this title shall be administered and enforced by a building inspector, appointed by the board of mayor and aldermen who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of chapters 2 through 12 of this title. (1980 Code, § 11-801, as replaced by Ord. #2010-01, Jan. 2010)

**14-902. Building permits and certificates of occupancy.**

(1) Building permit required. It shall be unlawful to commence the excavation for the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings until the building inspector has issued a building permit for such work.

(2) Issuance of building permit. In applying to the building inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height and location on the lot of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information for determining whether the provisions of chapters 2 through 12 of this title are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions hereby and other ordinances of the City of Humboldt, Tennessee, then in force, the building inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the building inspector shall state such refusal in writing with the cause. The issuance of a permit shall in no case be construed as waiving any provisions of chapters 2 through 12 of this title. A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

(3) Certificate of occupancy. No land or building or part thereof hereafter erected or altered in its use of structure shall be used until the building inspector shall have issued a certification of occupancy stating that such land, building or part thereof and the proposed use thereof are found to be in conformity with the provisions of chapters 2 through 12 of this title. Within

three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof and to issue a certification of occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the provisions hereof, or, if such certificate is refused, to state such refusal in writing with the cause.

(4) Records. A complete record of such application, sketches, and plans shall be maintained in the office of the building inspector. (1980 Code, § 11-802, as replaced by Ord. #2010-01, Jan. 2010)

**14-903. Remedies.** In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building structure, or land is used in the violation of chapters 2 through 12 of this title, the building inspector or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy or use of such building, structure or land. (1980 Code, § 11-803, as replaced by Ord. #2010-01, Jan. 2010)

**14-904. [Deleted.]** (1980 Code, § 11-804, as deleted by Ord. #2010-01, Jan. 2010)



**CHAPTER 10****BOARD OF ZONING APPEALS****SECTION**

14-1001. Creation and appointment.

14-1002. Procedure.

14-1003. Appeals; how taken.

14-1004. Powers.

**14-1001. Creation and appointment.** A board of zoning appeals is hereby established in accordance with Tennessee Code Annotated, volume 3 same being section 5, chapter 44 of the Public Acts of Tennessee of 1935. The board of zoning appeals shall consist of five (5) members. At least one (1) of whom is a member of the Humboldt Municipal Planning Commission. They shall be appointed by the mayor and Humboldt Municipal Planning Commission. They shall be appointed by the mayor and confirmed by a majority vote of the board of mayor and aldermen. The term of membership shall be three (3) years except that the initial individual appointments to the board shall be terms of one (1), two (2) and three (3) years respectively. Vacancies shall be filled for any unexpired term by the mayor in conformity by the board of mayor and aldermen. (1980 Code, § 11-901, as replaced by Ord. #2010-01, Jan. 2010)

**14-1002. Procedure.** Meetings of the board of zoning appeals shall be held at the call of the chairman, and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall adopt rules of procedures and shall keep records of applications and action thereon, which shall be a public record. (1980 Code, § 11-902, as replaced by Ord. #2010-01, Jan. 2010)

**14-1003. Appeals; how taken.** An appeal to the board of zoning appeals may be taken by any persons, firm or corporation aggrieved, or by a governmental officer, department, board or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of chapters 2 through 12 of this title. Such appeals shall be taken by filing with the board of zoning appeals a notice of appeal, specifying the grounds thereof. The building inspector shall transmit to the board all papers constituting the record upon which the action appeals was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties of interest, and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. Any person or party may appear at the hearing and be heard in person, by agent or by attorney. (1980 Code, § 11-903, as replaced by Ord. #2010-01, Jan. 2010)

**14-1004. Powers.** The board of zoning appeals shall have the following powers:

(1) Administrative review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of chapters 2 through 12 of this title.

(2) Special exceptions. To hear and decide applications for special exceptions upon which the board of zoning appeals is specifically authorized to pass.

(3) Variance. To hear and decide application for variance from the terms of chapters 2 through 12 of this title, but only where by reason of exceptional narrowness, shallowness or shape of a specific piece of property which at the time of the adoption of the provisions of chapters 2 through 12 of this title was a lot of record; or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions of a piece of property the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without detriment to the public good and the intent and purpose of chapters 2 through 12 of this title. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning.

In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of chapters 2 through 12 of this title.

Before any variance is granted it shall be shown that circumstances are attached to the property which do not generally apply to other property in the neighborhood. (as added by Ord. #2010-01, Jan. 2010)

## CHAPTER 11

### AMENDMENT

#### SECTION

14-1101. Zoning amendment petition.

14-1102. Planning commission review.

14-1103. Public hearing on proposed amendment.

14-1104. [Deleted.]

14-1105. [Deleted.]

**14-1101. Zoning amendment petition.** The board of mayor and aldermen of Humboldt, Tennessee may amend the regulations, restrictions, boundaries, or any provisions of chapters 2 through 12 of this title. Any member of the board of mayor and aldermen may introduce such amendment, or any official board or any other person may present a petition to the board of mayor and aldermen requesting an amendment or amendments to chapters 2 through 12 of this title. (Ord. #2001-02, May 2001, as replaced by Ord. #2010-01, Jan. 2010)

**14-1102. Planning commission review.** No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions from the city planning commission. If the city planning commission within thirty (30) days after such submission disapproves, it shall require the favorable vote of a majority of the entire membership of the board of mayor and aldermen to become effective. If the city planning commission neither approves or disapproves such proposed amendment within thirty-five (35) days after such submission, the absence of action shall be considered as approval of the proposed amendment. (Ord. #2001-02, May 2001, as replaced by Ord. #2010-01, Jan. 2010)

**14-1103. Public hearing on proposed amendment.** Upon the introduction of an amendment to chapters 2 through 12 of this title or upon the receipt of a petition to amend chapters 2 through 12 of this title, the board of mayor and aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the board of mayor and aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the City of Humboldt, Tennessee. Said hearing by the board of mayor and aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice. (Ord. #2001-02, May 2001, as replaced by Ord. #2010-01, Jan. 2010)

**14-1104. [Deleted.]** (Ord. #2001-02, May 2001, as deleted by Ord. #2010-01, Jan. 2010)

Change 1, June 2, 2014

14-108

**14-1105. [Deleted.]** (Ord. #2001-02, May 2001, as deleted by Ord. #2010-01, Jan. 2010)

## CHAPTER 12

### LEGAL STATUS PROVISIONS

#### SECTION

14-1201. Conflict with other ordinances.

14-1202. Validity.

14-1203. Effective date.

14-1204.--14-1215. [Deleted.]

**14-1201. Conflict.** In case of conflict between this ordinance or any part thereof, and the whole part of any existing or future ordinance of the City of Humboldt, Tennessee, the most restrictive shall in all cases apply. (Ord. #96-3, June 1996, as replaced by Ord. #2010-01, Jan. 2010)

**14-1202. Validity.** If any section, clause or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional. (Ord. #96-3, June 1996, as replaced by Ord. #2010-01, Jan. 2010)

**14-1203. Effective date.** This ordinance shall take effect and be in force immediately after adoption, the public welfare requiring it. (Ord. #96-3, June 1996, as replaced by Ord. #2010-01, Jan. 2010)

**14-1204.--14-1215. [Deleted.]** (Ord. #96-3, June 1996, as deleted by Ord. #2010-01, Jan. 2010)